Human Rights in Islam And Common Misconceptions

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بسم الله الرحمن الرحيم

Introduction

All Praise is due to Allah and may Allah exalt the mention of His Prophet and render him and his household, his Companions, and those who follow their way safe from every evil, and grant them security on the Day of Resurrection.

Every society must ensure for its citizens the rights that guarantee for them their basic needs and security, and enable them to feel a sense of belonging and attachment to the larger social group. Individuals need to feel secure and have a sense of belonging in order to perform their tasks and duties in a satisfactory manner.

Presently, three distinct trends are discernable in our global society. The first trend exaggerates the right of the individual over the society. This trend gives the individual full freedom to do as he pleases with minimal restrictions. Unfortunately this leads to a chaotic social situation because when unlimited freedom is granted to the individual, selfish desires predominate and bring conflicting results. The entire society suffers immensely from greed and selfishness. This trend is found in the liberal, democratic, capitalist society.

The second trend, contrary to the above, advocates the rights of the society over the individual. The latter is stripped of his individual rights. Only rights that serve the ruling regime are granted to the individuals, according to the dominant ideology of the ruling class or group. This trend is prevalent in communist and totalitarian societies.

The third trend, ideally, neither emphasizes the right of the society over the individual, nor the right of the individual over the society. Each is given its due right in life according to the given system. Rights and obligations are governed and controlled by strict rules and conditions. In this trend, the public interest is given priority over the interest of an individual only in case of a serious conflict.

In this booklet we shall address human rights in the light of the perfectly balanced system of Islamic law. These rights are based on revelations from the Divine Book of Muslims, the Glorious *Qur'an* and from the *Sunnah*, the practice of Allah's Messenger (ﷺ) the two main sources of Islamic life and jurisprudence. Both the Glorious *Qur'an* and the *Sunnah* aim to produce an ideal individual in an ideal society; all interact with each other to produce the harmony of the individuals with Allah their Lord and Creator, with themselves, others, the society in general, and other societies all over the globe.

We firmly believe that the application of the individual and social principles of the third trend, when guided by the perfect revealed laws from Allah in the *Qur'an and Sunnah*, will definitely make humanity happier and more prosperous. The application of these principles will enable the society to achieve peace and security. These social rights and principles are not a result of previous experiences, social ideologies, temporary and immediate needs and/or political drives and motives: rather they are from the Beneficent and the Omniscient for man's progress to happiness in this life and salvation in the Hereafter

Our firm belief in the truth and justice of Islamic rights and principles is due to the fact that Allah, the Most Merciful and only Creator of man, reveals them. He knows well what suits His creation at all times, what benefits or harms man, what makes him happy or sad, what makes him successful or miserable. By His knowledge and beneficence, He has legislated what suits best and fulfills the essential needs of all

His creatures on earth and makes their lives successful, secure and joyful.

The Glorious *Qur'an*, which was revealed and sent down unto Muhammad (ﷺ) is the everlasting miracle that contains the basics of these essential rules. The *Sunnah*, the practices of Allah's Messenger (ﷺ) which is the second source of Islamic law, contains detailed revealed guidance. These rules and principles were set forth by Allah's Messenger (ﷺ) some fourteen hundred years ago in the best form and manner and will remain relevant forever. Both, the Glorious *Qur'an* and *Sunnah* (practices of Allah's Messenger ﷺ) honor man and his individual rights in the society. These sources of Islamic law did not overlook the needs and rights of the society and public interest. In fact, The Almighty Allah states in the Glorious *Qur'an*:

> ﴾**We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of Our Creation.**﴿ (17:70)

Man will only gain this honor and these privileges when he fulfills his obligations and renders the rights due to their owners.

In order to execute the role of this special place on earth, there is a need for specific tasks to be performed by specific individuals. This concept is illustrated by the Almighty Allah in the Glorious *Qur'an*:

> ﴾**It is He Who has made you (His) agents and inheritors of the earth. He has raised you in ranks, some above others, that He may try you in the gifts He has given you. This is because Your Lord is quick in punishment. Yet, He is indeed Oft-Forgiving, Most Merciful.**﴿ (7:165)

Some nations and international organizations, call loudly to principles that seek to guarantee human rights. Islam established, within its enlightened Shari'ah (law and jurisprudence) many of these human rights some fourteen centuries ago. The rights enumerated by modern international organizations are characterized by deficiencies in conceptualization, flaws in formulation, and injustices in application. They are subject to political agendas, economic pressure and culturally biased viewpoints. They carry the residues of colonialism and imperialism. Such rights are often enumerated and established not for the interests of all humans, rather, for the benefit of certain organizations and powerful special interest groups. This becomes more evident when, as we see all over the world, many of our fellow humans suffering from the worst atrocities, and yet, there is no organization to truly defend the poor and the weak. Glaring inequalities and abuse between nations and within nations are growing worse and worse even before our eyes, and the prescriptions for aid and development mire them deeper into misery as if they were meant to perpetuate their misery and servitude.

It may be that some of the humanitarian organizations cannot come to the aid of some oppressed persons for political and economic reasons. Some sincere organizations have been barred from engaging in humanitarian efforts, while others have been allowed because they promote agendas and proselytize to the sectarian ideals, or special interest groups, more acceptable to the dominant powers. Some organizations raise slogans like "Do not interfere in the internal affairs of other countries" or "We must remain confined to political realities" etc. Islam calls for the protection, defense and the support of oppressed people of the world, by removal of root causes of oppression and exploitation. Islamic law is structured to remove any oppression and exploitation according to rules of enjoining the right, forbidding the wrong, and struggling in the path of Allah the Exalted.

The Almighty Allah states in the Glorious *Qur'an*:

> ﴾**And why should you not fight in the cause of Allah, and of those who, being weak, are ill-treated (and oppressed)? Men, women, and children, whose cry is: "Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from you one who will protect; and raise for us from you one who will help!**﴿
>
> (4:75)

It is important to point out here that enforcement of the laws about human rights in a Muslim society is linked inextricably with the sincere commitment to the implementation of Islamic laws and principles in letter and spirit. Some people take only what serves their own interests. Others may just pretend that they are implementing some Islamic teachings and principles but, in reality, are trying to destroy or distort and manipulate Islam from within, and hamper just implementation of Islamic laws. They are not examples of the defense of the human rights in Islam. Therefore, we point out here the obligation that those who would like to study Islam objectively, should do so by studying it on its own merits, as a fully developed system, and not be affected by certain malpractices of some claiming to be Muslims. The deviant behavior and action of certain individuals, groups, people, or governments must not influence a person's ultimate judgment. The implementation of Islamic principles and Islamic law vary according to the commitment to Islam and the practical ability to apply them to the local circumstances. Even though a system is good, there may be shortcomings and faults in perception and application. If we notice, for example, lying, cheating, breaching of contracts, deception and corruption in a person, we must not accuse the system for it. Since Islam categorically forbids these evils, one must rebuke the person himself for his crimes, but not the system. We should thoroughly examine the system itself and consider its fruits. A simple example may be given here: if a

person needs bread, he would go to the bakery, or at least to a place where bread may be sold, such as a grocery shop or a supermarket. If a person in need of bread goes to a butcher or a fruit shop, he would not be able to find bread there. There is a general statement in the Glorious *Qur'an* explaining such a case. The Almighty Allah states in the Glorious *Qur'an*:

> ﴾**If you were to follow most of the people on earth, they will lead you away from the Way of Allah. They follow nothing but conjecture: they do nothing but lie.**﴿ (6:116)

Regretfully, we observe that many Muslims all over the world are not true representatives of Islam because they commit grievous mistakes and have many serious deficiencies in belief and practice. We mention this unfortunate situation to warn those who study Islam, about being influenced or deceived by the attitudes and vices of any Muslims that misrepresent Islam. Serious students should not despair; rather they should look to representative upright Muslims and the core teachings of Islam. We encourage Muslims to maintain the best practices and the correct application of their faith in every aspect of life. We call non-Muslims to examine Islam and understand its principles with an unbiased approached.

There is the famous story of a new Muslim convert who, upon visiting a Muslim country, was shocked to witness the horrendous situation of Muslims in that society, noting how far removed they were from the ideal teachings and principles of Islam. He said: ‘I thank Allah the Almighty for enabling me to accept Islam prior to coming to this country. If I had come here before I accepted Islam, I would never have thought of becoming a Muslim!’ He made this assertion because he saw firsthand rampant malpractices of some Muslims. This is indeed a very unfortunate situation for which we strive to correct. Towards the first steps of correction are awareness and education.

Islam and the Preservation of the Five Essential Necessities of Life

Introduction

Islam, as the last and perfect message from Allah to mankind, aims to establish by its principles, a legal framework, a code of ethics, and an ideal society with a balance between protecting the rights of the individual and the rights of the society collectively. One way of achieving this goal is by providing the essential necessities that ensure for the individuals their full rights without damage to the public good. If all members of the society enjoy their legal rights to peace, tranquility, freedom, and the general availability of all the basic human requirements, balanced with public welfare, they will all have the opportunity to live a fruitful life of fulfillment and contentment.

This contentment is defined by the Messenger of Allah (ﷺ) when he stated:

> **"Whosoever wakes up (in the morning) feeling that he is secure in his community, free from ailments and diseases in his body, and has enough provision for a single day, it is as if he owns the entire world."**[1]

Islam formulates a unique system of rights and obligations that provides for and preserves the following five basic necessities of human existence:

(1) Preservation of the Divine Religion
(2) Preservation of the Self
(3) Preservation of the Mind
(4) Preservation of Honor and Lineage
(5) Preservation of Wealth

1 Reported by Tirmidhi no. 2346 and verified as good.

All human societies have devised their own systems to preserve these basic human necessities, and we will highlight the unique aspects of the Islamic system. Before we discuss these basic necessities in more detail, we will make some general observations about the often-misunderstood term “equality.”

Equality in Islam

Men and women are created equal in their basic humanity, and all have the shared lineage and dignity of Allah’s creation and privilege of man over the other creatures of His creation. Discrimination due to race, sex, color, lineage, class, region or language is vehemently prohibited in Islam to avoid the artificial barriers between the privileged and underprivileged. Equality does not mean that all are exactly alike since there is no denial about natural differences. The two genders complement and complete each other. Allah the Exalted says in the Glorious Qur’an:

> ﴾**O mankind! Fear and revere your Lord, Who created you from a single person, created from it its mate, and from them scattered (like seeds) countless men and women; so fear Allah, through Whom you demand your mutual (rights), and (reverence) the wombs (that bore you): for Allah ever watches over you.**﴿ (4:1)

The Messenger of Allah (ﷺ) said:

> **“O Mankind! Your Lord is One. Your father is one. All of you belong to Adam (عليه السلام). And Adam is created of soil. Truly, the most honorable person in the Sight of Your Lord, the Almighty Allah, is the most pious among you. There is no superiority for an Arab over a non-Arab. There is no superiority for a non-Arab over an Arab. There is no superiority for a red (race) person over a white person. Likewise, there is no superiority of a white over a red (race) person, except for the piety and**

God consciousness."[2]

All humanity, according to Islam, with all its races, has one original source, so how can some exploit others claiming superiority or special privilege? Islam does not tolerate false pride in lineage and social status. The Messenger of Allah (ﷺ) said:

> **"The Almighty Allah has removed the false pride which was practiced in the pre-Islamic period wherein individuals took false pride in their ancestors. All mankind belongs to Adam (عليه السلام). And Adam is created of soil."**[3]

Pride of race and class are rampant in some societies. For example, some Jews and Christians have considered themselves of a higher status, breed, race or class of people. Allah the Exalted and Almighty has exposed the truth of this arrogance, as He states in the Glorious Qur'an:

> ﴾**The Jews and the Christians say: "We are sons of Allah, and His beloved." Say: "Why then does He punish you for your sins? Nay, you are but men, of the men He has created: He forgives whom He pleases, and He punishes whom He pleases: and to Allah belongs the dominion of the heavens and the earth, and all that is between: and unto Him is the return (of all).**﴿ (5:18)

The laws of Islam eradicate any misguided basis of racism. For instance, one of the companions of Allah's Messenger (ﷺ) Abu Dharr (رضي الله عنه) once said to a black slave, 'O the son of a black lady!' Upon hearing this, the Messenger of Allah (ﷺ) turned to Abu Dharr (رضي الله عنه), and said to him:

> **"Are you insulting this man with his mother? Truly, you possess some of the qualities of the era of Ignorance**

2 Reported by Ahmad no. 411.

3 Reported by Abu Dawood no. 5116.

(pre-Islamic times). That time is finished and over. There is no virtue or merit for the son of a white woman over the son of a black woman, except through piety and righteousness, or by good deeds and actions."[4]

It is reported that Abu Dharr (ﷺ) upon hearing the comment of the Prophet (ﷺ), put his head down on the ground in humility for the slave to come and step on his head with his foot, as an expiation for his misdeed, although the Prophet (ﷺ) did not command him to do so. Abu Dharr (ﷺ) wanted to discipline himself by self-humiliation so that he would never repeat such a sin in the future.

All people in Islam are completely alike and equal in terms of the obligation to perform various acts of worship to Allah. The rich and the poor, the leader and the peasant, the white and the black, the one of dignified means and the one of lower means, all are alike and equal as humans before Allah; the most noble is the most righteous and most sincere and steadfast in worship and good deeds. As the Prophet said (ﷺ):

"Allah does not look at your bodies and your colors but at your acts and your hearts (i.e. outward deeds and inward intentions and sincerity)."[5]

All commands of obligation and prohibition are applicable to all without any distinction because of class, social status or race. The Almighty Allah states in the Glorious Qur'an:

﴾Whoever works righteousness benefits his own soul; whoever works evil, it is against his own soul: nor is Your Lord ever unjust (in the least) to His slaves.﴿ (41:46)

The differentiation between individuals in the Sight of Allah is based on their levels of piety, righteousness, and compliance to

4 Reported by Ahmad 4:145.

5 Reported by Muslim no.2564.

the Commands of Allah, the Most Beneficent. Allah the Almighty states in the Glorious Qur'an:

> ﴾**O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily the most honored of you in the Sight of Allah is (he who is) the most righteous of you. In addition, Allah has full Knowledge and is well acquainted (with all things).**﴿ (49:13)

All individuals are equal before the Islamic code of law and the appointed Muslim judge. The penalties, judgments and legal sentences are applicable to all races and classes of people without any distinction and without any privileged person acquiring immunity. One outstanding example will be cited here. A'isha reported that the Quraish were deeply concerned when a noble woman of the *Makhzum* clan stole, and Allah's Messenger (ﷺ) wanted to apply the due punishment in her case by amputating her hand. The Quraish consulted among themselves and said: 'The best person to talk to the Prophet (ﷺ) about the *Makhzumi* woman thief is his beloved companion (and the son of his beloved companion) Usamah ibn Zaid (رضي الله عنه).' Therefore they sent Usamah (رضي الله عنه) to speak to the Prophet (ﷺ) to intercede on behalf of this *Makhzumi* woman. Upon listening to Usamah (رضي الله عنه), Allah's Messenger (ﷺ) said,

> **"O Usamah! Are you coming to intercede concerning a punishment set by Allah?"** Allah's Messenger (ﷺ) stood up, as soon as he (ﷺ) finished his conversation with Usamah and delivered a speech saying: **'The people (or nations) before you were destroyed due to the fact that when a noble person among them would steal, they let him go unpunished, but if a poor, weak and insignificant person among them stole, they would apply the punishment on him. By Allah! If *Faatimah*; the daughter of Muhammad**

(ﷺ) **stole, I shall cut off her hand.'**[6]

None has the right to monopolize, abuse or act for his personal interest on national resources. All members of the nation have the right to benefit from the national resources, each according to just and equitable rights and obligations. However, they will not be equal in terms of the work and the benefit they contribute for the public good. The Islamic government must exert every effort to secure job opportunities for its constituents and organize the utilization of national resources.

Islam declares all people equal in terms of human values yet every individual is rewarded according to what he presents to his society and community. The only distinction between people is on the basis of service that they offer. For instance, it does not look at a hardworking individual and a sluggish individual on equal footing in terms of pay and financial rewards. The Almighty Allah states in the Glorious Qur'an:

﴾**To all are degrees (or ranks) according to their deeds: for Your Lord is not unmindful of anything that they do.**﴿

(6:132)

6 Reported by Bukhari no. 6406 and Muslim no. 9.

Islam and Basic Essential Needs

We will now proceed with elaboration on the basic human necessities that Islam guarantees in its divine and unique legal system.

- ## Preservation of the Divine Religion

Islam is the complete and perfect Divine Revelation from Allah Almighty to mankind for his prosperity and salvation. All the previous prophets of Allah, like Noah, Abraham, Moses and Jesus (عليه السلام) were Muslims sent to their respective peoples with the general religion of Islam - worship of Allah without partner or idolatry - and the specific code of laws suitable for their peoples.

Allah, the Exalted says:

> ﴿**And we did not send any Messenger before you but We revealed to him (the saying): none has the right to be worshipped except I (Allah), so worship Me (alone).**﴾ (21:25)

Muhammad ibn Abdullah (ﷺ) is the final Prophet and Messenger of Allah. He has been sent to all mankind with the Islamic code of Laws legislated by Allah, the most Wise and Omniscient.

Allah, the Exalted says:

> ﴿**Muhammad is not the father of any man among you; but he is the Messenger of Allah and the last of the Prophets.**﴾ (33:40)

And Allah the Exalted says:

> ﴿**This day I have perfected your religion for you, and completed my favor upon you, and have chosen for you *al-Islam* as your religion.**﴾ (5:30)

And He says:

﴾**Truly, the religion before Allah is *al-Islam*.**﴿ (3:19)

And He says:

﴾**And whoever seeks a religion other than Islam, it will never be accepted of him and in the Hereafter he will be one of the losers.**﴿ (3:85)

The Messenger of Allah (ﷺ) explained his similitude in respect to the previous Prophets of Allah saying:

"My example and the example of the Prophets who preceded me, is like that of a person who built a beautiful house. The house was perfect and magnificent except for a place of a single brick (in one corner). People who saw that house admired it but wondered…why did not the owner complete that missing single brick? I am that missing brick. I am the final Prophet (for mankind on the earth)."[7]

All humanity agrees in the general principle that truth, justice and goodness must be upheld and defended in the face of attack by the forces of falsehood, tyranny and evil. Muslims take this obligation very seriously, and strive to promote the truth, justice and goodness by all legal means available. For secular societies, religion is considered purely a private affair. Public life legally must be guided by secular principles and institutions and never by religion or religious law. We must remember that the development of secularism itself was a reaction to the extravagances and conflicts of the Christian Churches and various Monarchs and Kings in Europe.

This introduces the sensitive subject of "Jihad" (struggle, exertion), which is a much maligned and misused word. The

7 Reported by Bukhari no.3341 and Muslim, no. 2287.

following verse of the Glorious Qur'an, read in its fuller context, gives a general rule about Jihad:

> ﴾**Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loves not transgressors.**﴿ (2:190)

The summary about Jihad is that fighting is allowed for Muslims for protection against aggression, exploitation and suppression, and yet in this all transgressions are prohibited. The Arabic root for Jihad means to endeavor, and it includes not only fighting against oppressors and tyrants but also struggling generally to promote good and combat evil. By Jihad the religion of Islam with its ultimate truth, justice and goodness is protected, and the Muslims themselves are defended from those that wish them harm. It is an obligation on all Muslims to believe in and practice Jihad to some degree: greater obligations exist for those with greater abilities, but even the poor and disabled give their moral support and supplications for victory.

Jihad was practiced in the previous faiths as well. Since evil appears all over the world and throughout human history, Jihad was in order to stop tyranny and injustice. It is also to prohibit people from worshiping false deities and demigods, and to introduce them to the reality of the worship of Allah alone, who has no son, partners or associates. Jihad is legislated to remove injustices and to introduce man to the mercy, justice and peace of Islam as a way of life, for the interest of man's benefit on earth, and not for the interest of specific groups of Arabs or other national groups of Muslims, since Islam is universal and has no geographic or limited borders. As the tradition states, the Messenger of Allah (ﷺ) said:

> **"Help your brother, whether he is an oppressor or is oppressed."** A man enquired: "O Messenger of Allah! I help him when he is oppressed, but how can I help him when he is an oppressor?" He (ﷺ) said: **"You can keep him**

from committing oppression. That will be your help to him."[8]

The message and invitation of Islam is international and universal for all humanity, with a comprehensive code of beliefs, morals and ethics for every walk of life. Islam laid down the principles of justice, fairness, equality, freedom, prosperity, success and truthfulness for man on earth. Jihad is legislated not to force people against their own will to join Islam, but rather as a tool and mechanism to help maintain the peace that allows for the peaceful spread of the message about the religion of monotheism, justice and equality to the entire world and protect it against attack. After people receive the message, it is up to them to accept Islam or choose otherwise. The essential purpose of Jihad is to open the way for peaceful propagation of the Message of Islam to people. The Almighty Allah states in the Glorious Qur'an:

﴾**Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects *Taaghoot* (idols, evil tyrants, etc) and believes in Allah, has grasped the most trustworthy hand-hold that never breaks. And, Allah hears and knows all things.**﴿ (2:256)

The principle cementing intra-relationships between governments and people is based on justice and peace since there can be no lasting peace without justice. Jihad is not a "Holy War" as described in the Western media, but it is an honorable "struggle" and resistance against oppressors and those who oppose the peaceful spread of Allah's Word and faith in Him and His religion of Islam. "War" most often begins as a drive for personal or national interests, for land, resources, and/or other political or economic reasons. Islam prohibits this "war" and allows for Jihad in the three situations, namely:

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8 Reported by Bukhari no.2312 and Muslim no.2584.

1) Defense of Life, Property and National Boundaries, without transgression

Allah (ﷻ) says in the Glorious Qur'an:

﴾**Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loves not transgressors.**﴿ (2:190)

2) Removing oppression and championing the just rights of oppressed people.

The obligation of countering oppression and tyranny is mentioned in the verse of the Glorious Qur'an:

﴾**And why should you not fight in the cause of Allah and of those who, being weak, are ill-treated people (and oppressed)? Men, women, and children, whose cry is: 'Our Lord! Rescue us from this town whose people are oppressors; and raise for us from You one who will protect, and raise for us from You one who will help!**﴿ (4:75)

The Prophet of Allah (ﷺ) said:

"The best Jihad is a word of truth before a tyrannical unjust ruler."[9]

3) Defense of Faith and Religion.

Allah, the Exalted, says in the Glorious Qur'an:

﴾**And fight them until there is no more tumult or oppression, and there prevails justice and faith in Allah altogether and everywhere; but if they cease, verily Allah does see all that they do.**﴿ (8:39)

9 Reported by Ahmad no.18850 , Abu Dawood no.4344, Tirmidhi no.2174 and verified as authentic.

A "Mujahid" (Muslim fighter for the cause of Allah) must purify his intention to please Allah alone. He must have a clear understanding that Jihad is only for just reasons: to protect Islam and the Muslims, and to spread the message of Islam and Word of Allah. If the enemies of Islam who are fighting the Muslims cease their attack, and accept terms for a just peace, the Muslim fighters are commanded to cease hostilities.

Allah (ﷻ) also says: ﴿**But if they incline to peace, you also incline to it, and (put your) trust in Allah. Verily, He is the All-Hearer, the All-Knower**.﴾ (8:61)

And He Most Exalted said:

> ﴿**Therefore if they withdraw from you and cease fighting, and send you (guarantees of) peace, then Allah has left no way for you (to war against them).**﴾ (4:90)

Islam has permitted fighting only for the above specified reasons and has laid down strict rules of conduct in "warfare." All other reasons for "war" are totally prohibited in Islam, for instance, war for land expansion, colonial interests and revenge, etc. Islam does not allow fighters to kill haphazardly, but only permits them to kill military personnel and those directly supporting armed forces. Islam does not permit, accept or condone the killing of elderly people, children, women, those under medical treatment, medical staff, and monks who have secluded themselves for the worship of Allah (ﷻ). Islam forbids mutilating bodies and organs of the deceased enemy fighters. Islam also forbids the killing of cattle or any type of animal of the enemies, the destruction of peoples' homes and the pollution of potable water resources, including rivers, lakes, springs and wells of water of the fighting enemies. These concepts are based on the many verses of the Glorious Qur'an, including this verse:

> ﴿**But seek, with the (wealth) which Allah has bestowed on you, the Home of the Hereafter, nor forget your**

portion in this world: but do good as Allah has been good to you, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief.﴿ (28:77)

It is also based on many sayings of Messenger of Allah (ﷺ), for instance his statement:

> **"Fight for the Cause of Allah and in His Name, against the disbelievers in Allah. Fight them, but do not breach your contracts or truces, do not mutilate, and do not kill a newly born baby…"**[10]

And he (ﷺ) said:

> **"…do not kill a woman, or slave."**[11]

This is also in compliance with the directions and the recommendation of the first Caliph, Abu Bakr (رضي الله عنه) to his military leaders upon commissioning them for Jihad. It was narrated that he said, **"Listen and obey the following ten commands and instructions: Do not betray any one (if you give a pledge). Do not steal from the war booties. Do not breach your pledge of allegiance. Do not mutilate the body of the killed enemy fighters or deceased. Do not kill a child or a minor. Do not kill an elderly man or woman. Do not kill a woman. Do not uproot a date palm tree (or any other trees) and do not burn them either. Do not cut or destroy a fruit tree. Do not slaughter a female sheep, a cow or a camel except for your (required) food. You surely will pass by some people who isolate themselves and are secluded for worship of Allah (سبحانه وتعالى) as monks and else, thus leave them alone and do not disturb them. You will, surely, stop at some people on the road, who will bring forth for you all types of food dishes. Whenever you eat their food, recite the name of Allah (سبحانه وتعالى) each time you eat. You will, surely, pass by a group of people who shaved the hair in the center of**

10 Reported by Muslim, no. 1731.

11 Reported by Abu Dawood and Ibn Majah and verified as sound.

their heads, and left the surrounding hair in long braids: it is allowed to fight and kill these people as they are the warriors of the enemies who carry their swords against you. Go ahead, with the name of Allah (ﷻ)."

The prisoners of war are not to be tortured, humiliated, or mutilated. They are not to be imprisoned in tight claustrophobic prison cells without adequate food and drink thus causing them to die.. The Glorious Qur'an states:

> ﴿**And they feed, for the love of Allah, the indigent, the orphan, and the captive, (saying), 'We feed you for the sake of Allah alone: no reward do we desire from you, or thanks.**﴾ (76:8)

The Islamic government has the right either to set free such POWs with no ransom at all, or for an agreed ransom, or exchange them for Muslim POWs. This is based on the verse of the Glorious Qur'an:

> ﴿**Therefore, when you meet the disbelievers (in battle) smite their necks; at length, when you have thoroughly subdued them, bind a firm bond (on them): thereafter (is the time for) either generosity or ransom: until the war lays down its burdens. Thus (are you commanded): but if it had been Allah's Will, He could certainly have exacted retribution from them (Himself); but (He lets you fight) in order to test you, some with others. But those who are slain in the way of Allah, He will never let their deeds be lost.**﴾ (47:4)

The conquered people who comprise the non-Muslim residents of an Islamic state and their families, possessions and estates are entitled protection by Islamic law from any violation. No one has a right to seize the possession or the wealth of the non-Muslim residents, or humiliate them or encroach upon their honor. No one has the right to unjustly attack them. The belief and religious practices of the non-Muslim residents in an Islamic state are respected to the legal limit. For instance Allah

says in the Glorious Qur'an:

> ﴿**(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with Allah rests the end (and decision) of (all) affairs.**﴾ (22:41)

The non-Muslim residents of an Islamic state are required to pay a minimal tax called “Jizyah” which is a specific type of head-tax collected from individuals who do not accept Islam and desire to keep their religion while living in an Islamic state and under Islamic rule. For instance in the early Islamic States while wealthy Muslims were paying 2.5% of their accumulated wealth, non-Muslim residents paid Jizyah in three categories: the rich and wealthy class, an equivalent to the sum of (48) forty-eight Dirhams[12] a year; the middle or average class, such as merchants, traders and farmers, an equivalent to the sum of (24) twenty-four Dirhams a year; and the working class, such as bakers, carpenters, plumbers and the like, an equivalent to the sum of (12) twelve Dirhams a year. The Jizyah is collected in return for the protection of the non-Muslim residents of an Islamic State and their wealth. The Muslim leader and commander, General *Khalid bin al-Waleed* (ﷺ) once made a pledge to the non-Muslim residents of the Islamic state at the time and said, ‘**I offer you my pledge of allegiance to fully protect you against the head-tax collected from you. If we provide the necessary protection, we are entitled for the head-tax. Otherwise, you are not required to pay it.’** Then, when the Muslims forces had to vacate the area for battle

12 A Dirham is an Islamic coin equivalent in value to 2.28 grams of silver. The name “Dirham” is still used in some Islamic and Arab countries but the modern currency does not have the same value as the older currency.

elsewhere they returned the *Jizyah* they had taken since they were not able to provide the security stipulated.[13]

Jizyah is not applicable to every non-Muslim resident of an Islamic state; rather, it is to be taken from those who earn. Many categories of people are exempt from paying this Jizyah including the poor, minors, women, monks, blind people, and the disabled individuals. Islam made it obligatory on the Islamic government to provide the full protection to these categories of people and offer them suitable living allowances. In fact, the pledge given by General *Khalid bin al-Waleed* (ﷺ) to the non-Muslim residents of the town called 'Heerah' in Iraq, under the Islamic rule, stated the following:

> **'Any elderly person, disabled worker, terminally ill person or a rich person who went bankrupt, and based on that deserve charity from the fellow religious people, will not be required to pay head-tax. Furthermore, each one will become entitled for suitable allowances from the Islamic Treasury for himself and his dependents.'**[14]

Another example is when the second Caliph, Omar bin al-Khattab (ﷺ), once passed by an elder Jewish man who was begging. Omar (ﷺ) asked about him and was informed that he was a non-Muslim resident of the Islamic state. Omar (ﷺ) immediately said, 'We have not been fair to you! We've collected head-tax from you while you were young and capable and neglected you in your old age!' Omar (ﷺ) took the old Jew to his own home and offered him whatever he found of foodstuff and clothes. Later, Omar (ﷺ) instructed those in charge of the treasury, saying:

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13 This is a famous incident in Islamic history: see for instance Baladthuri, Futuh al-Buldan, in the conquest of Sham (Greater Syria)
14 Abu Yousuf, al-Kharaj, p.144.

'Follow up, monitor and observe the situations of similar people. Offer them assistance that suffices them and their family members from the Islamic Treasury.'

Allah (ﷻ) states in the Glorious Qur'an:

﴾**Alms are for the poor and the needy.**﴿ (9:60)

[i.e. the beginning of the famous verse on Zakah (obligatory charity)] In one interpretation of this verse, the poor are the Muslims and the needy are the non-Muslim residents of an Islamic state.'[15]

- ## The Preservation of Self

Physical Security and Protection:
Human life is sacred and a gift from Allah, the Creator. For the protection of human life Islam has legislated capital and corporal punishments and retribution unto those transgressing criminals who murder and physically harm others. Killing falls into three types: intentional and/or premeditated murder, manslaughter, and total mistake. Islam commands the execution of anyone who commits premeditated murder of an innocent person, seeking to place as strong a deterrent as possible to eradicate the temptation of intentional murder. Unintentional manslaughter and mistaken killings are separate categories with separate lesser sentences and blood money is paid to the close relatives of the victim. The family or the heirs of the killed victim are given a *Diyyah* - blood money - unless they choose to forgive the killer. The killer must repent to Allah and make atonement by the freeing of a Muslim slave, and if this is not possible, by fasting for two consecutive months. All such penalties are for preservation of life. No one has the right to tamper with people's lives, possessions or estate without legitimate cause. All oppressors or abusers must be warned

15 Ibid, p.126.

against unjust killing, victimizing or harassing other innocent members of the Islamic society, and these strict punishments should be made clear. If the retaliation is not similar to the crime itself, criminals become emboldened in their criminal activities. All other corporal punishments have the same rationale, wherein the punishment is proportionate to the crime with specific measurements of retribution predetermined to stop all arguments and confusion. All capital and corporal punishments are designed for the preservation of human life and property in an Islamic society. Allah, the Exalted, states in the Glorious Qur'an:

> ﴾**And there is (a saving of) life for you in al-Qisas (the law of equality in punishment), O men of understanding, that you may become pious.**﴿ (2:179)

The penalty of the Hereafter for the intentional murderer who does not repent will be the Wrath of Allah. Allah, the Exalted, states in the Glorious Qur'an:

> ﴾**If a man kills a believer intentionally, his recompense is Hell, to abide therein (forever): and the wrath and the curse of Allah are upon him, and a dreadful penalty is prepared for him.**﴿ (4:9)

Islam has imposed certain specific duties on everyone in respect to protection of human life. The following are some of these duties:

1. Man does not own his soul or his own body: rather it is a sacred entity entrusted to him on a temporary basis. It is not allowed for anyone to intentionally torture or harm himself, or carry-out any type of suicidal crime or reckless act leading to his destruction. Life is only given in sacrifice for the cause of Allah. Allah, the Exalted, states in the Glorious Qur'an:

﴾**O you who believe! Eat not up your property among yourselves unjustly: but let there be among you trade by mutual good-will: nor kill (or destroy) yourselves: for verily Allah has been to you Most Merciful!**﴿ (4:29)

2. Man must maintain proper nutritional care to satisfy the minimum requirements essential for decent health. He is not allowed to deprive himself of permissible food, drink, clothing, marriage and proper care under any pretexts, if that causes him harm. Allah, the Exalted, states in the Glorious Qur'an:

﴾**Say: Who has forbidden the beautiful (gifts) of Allah, which He has produced for His servants, and the things, clean and pure, (which He has provided) for sustenance? Say, they are, in the life of this world, for those who believe, (and) purely for them on the Day of Requital. Thus do We explain the Signs in detail for those who understand.**﴿ (7:32)

Allah, the Exalted, admonished the Prophet (ﷺ) when he abstained from eating honey in order to please one of his wives, and this became an eternal lesson for all Muslims. Allah states in the Glorious Qur'an:

﴾**O Prophet! Why do you make forbidden that which Allah has made lawful to you? You seek to please your wives but Allah is Oft-Forgiving, Most Merciful.**﴿ (66:1)

Moderation is between stinginess and extravagance. Man may enjoy the lawful bounties offered by Allah to man on earth in moderation within the limits of the Islamic laws and without wastage. Allah, the Exalted, states in the Glorious Qur'an:

﴾**O Children of Adam! Wear your beautiful apparel at every time and place of prayer: eat and drink: but waste not by excess, for Allah loves not the wasters.**﴿ (7:31)

It is forbidden to neglect the physical needs of the body and cause harm through negligence or self-torture. Allah, the Exalted, states in the Glorious Qur'an:

> ﴾**On no soul does Allah place a burden greater than it can bear. It gets every good that it earns, and it suffers every ill that it earns.**﴿ (2:286)

It is reported that Anas bin Malik (ﷺ) said that, ‘Three men came to the Prophet’s (ﷺ) wives’ houses to inquire about the worship of the Prophet (ﷺ). When they were informed, they considered their worship insignificant and said: "Where are we in comparison with the Prophet (ﷺ) while Allah has forgiven his past sins and future sins". One of them said: "As for me, I shall offer Salat all night long." Another said: "I shall observe *Saum* (fasting) continuously and shall not break it". The third one said: "I shall abstain from women and shall never marry". The Prophet (ﷺ) came to them and said,

> **"Are you the people who said such and such things? By Allah, I fear Allah more than you do, and I am the most obedient and dutiful among you to Him, but still I observe fasting and break it; perform Salah and sleep at night and take wives. So whoever turns away from my *Sunnah* does not belong to me."** [16]

Peace and security:

The right of security and protection to a person and all his family is the most basic of all human rights. All citizens in the Muslim society legally must not be frightened or threatened by words, actions or weapons of any type. The tradition of Messenger of Allah (ﷺ) states:

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16 Reported by Bukhari and Muslim as mentioned in al-Lulu wal-Marjan no.884.

> **"It is not allowed for a Muslim to frighten another Muslim."** [17]

Feeling secure enables individuals of a society to have freedom of mobility and movement in order to work and earn an honest living. Corporal and capital punishment have been laid down and established in order to impose strict penalties on those who attempt to cause disruption to the peace, security and stability of a Muslim society. Allah's Messenger (ﷺ) stated in his farewell speech,

> **'Truly, your blood, honor, and your wealth are unlawful to one another. They are unlawful to tamper with like it is unlawful to tamper with this (honorable and sacred) Day (the Day of '*Arafah* during Hajj), in this Sacred Month (the month of pilgrimage "*Dthul-Hijjah*"), and in this Sacred Town (the city of Makkah).'** [18]

Sustenance and wholesome food and drink for all:

Wholesome sustenance is to be secured for all people in an Islamic society by availing decent and suitable work opportunities for the work force in the society. Availability of suitable opportunities of trades and work is crucial for people in order to satisfy their basic needs. Those who cannot work due to old age, disabilities, chronic disease, or the lack of bread-earner in the family, become entitled to public aid from the Islamic government. Zakah, (obligatory alms and charity) given by the wealthier people of the society, is to be made available to the needy that cannot earn a decent income because of legitimate reasons. Zakah is an obligatory charity that is taken from the rich and given to specific categories of the society. This is based on the Hadith of Allah's Messenger (ﷺ) in his

17 Reported by Abu Dawood no.5004, Imam Ahmad and others, and verified as correct.

18 Reported by Bukhari, no. 6043.

advice to his companion Muaadth bin Jabal (ﷺ) while sending him on the mission to call to Islam in Yemen saying,

> **"Tell the people of Yemen that the Almighty Allah has prescribed a certain percentage of their wealth as Zakah (obligatory charity) to be taken from the rich members among them and given to the poor and needy ones."**[19]

Other voluntary donations, gifts, financial commitments and the like are given in good cause to please the Almighty Allah, and extended willingly to the poor and needy members of the society. This is also based on many scriptures including the Hadith of Allah's Messenger (ﷺ),

> **"One is not a believer who satisfies himself while his neighbor is hungry."**[20]

These poor and needy people are also entitled to a fair right and share of the Islamic Treasury. This is also based on the Hadith of Allah's Messenger (ﷺ),

> **"Whosoever leaves behind a legacy (wealth and estates) it will become the right of his heirs. As for the person who leaves behind poor and needy members of his family, Allah (ﷻ), and His Messenger (ﷺ) will take care of them."**[21]

Proper and adequate health facilities:

Islam prohibits all such reasons that may cause detrimental effect to public health. Islam bans all types of harmful drugs and intoxicants. Islam bans eating blood, carrion, unclean animals, unwholesome meats like swine, and all their byproducts, etc. Islam bans all immoral acts such as fornication,

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19 Reported by Muslim no. 29.

20 Reported by Bukhari in *al-Adab al-Mufrad* no. 112 and others and verified as sound.

21 Reported by Bukhari no. 2268 & 2269.

adultery, and homosexual activities. Islam imposes a quarantine in the time of plague for both incoming and outgoing traffic of people in order to make sure that no epidemic or harmful diseases are spread in the wider community. Allah's Messenger (ﷺ) said,

> **"If you hear about an epidemic in a country, do not enter it, and if you are in a place that has an epidemic disease, do not leave it."** [22]

And he (ﷺ) said,

> **"A sick person must not be brought to visit a recovering person."** [23]

- ## The Preservation of Mind

Intelligence is the basis of all meaningful and responsible actions and accountability. Islam prohibits intoxicants that impair the activity of the mind and degrade man. The word for wine and intoxicants in Arabic is "*Khamr*", that which "covers" the brain. Alcohol and other drugs are one of the major causes of heinous crime with disastrous results in the society. The penalty in Islamic law for public intoxication is flogging to eradicate the vice, and as a warning to others. Almighty Allah states in the Glorious Qur'an:

> **﴾O you who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination of Satan's handiwork: eschew such (abomination), that you may prosper. Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah and from prayer: will you not then abstain?﴿** (5:90-91)

22 Reported by Ahmad no. 15435

23 Reported by Bukhari no. 5437 and Muslim no. 104.

Islam forbids the manufacture and sale of all kinds of alcoholic beverages and intoxicants. It even discourages the promotion of such alcoholic beverages in the society, even if the promoter or salesperson himself does not drink it or use it. This prohibition is based on the Hadith of Allah's Messenger (ﷺ),

> **"The curse of Allah falls on ten groups of people who deal with *Khamr* (all intoxicants). The one who squeezes it (or distills it), the one for whom it is squeezed, the one who sells it, the one who buys it, the one who transports it, the one to whom it is transported, the one who utilizes the money from it, the one who drinks it, and the one who serves it."** [24]

Basic education for all:

Allah the Exalted, says in the Glorious Qur'an:

> **﴾Say: Are those equal who know and those who do not know? It is those who are endued with understanding that receive admonition.﴿** (39:9)

And He (سبحانه وتعالى) says:

> **﴾And when you are told to rise up, (then) rise: Allah will raise up, to (suitable) ranks (and degrees), those of you who believe and who have been granted Knowledge. And Allah is well acquainted with all you do.﴿** (58:11)

Education in the Islamic society is a right for all individuals and a required moral duty of every capable person. All capable, intelligent and skilled individuals in the Islamic society are required to educate themselves in the basics of their religion and in necessary worldly affairs. The government is required to provide to the best of their ability all means that help promote adequate education. The Messenger of Allah (ﷺ), said:

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24 Reported by Abu Dawood, At-Tirmidhi no.1295, an-Nisa`e, Ibn Majah no. 3423 and al-Haakim, and verified by Albani and al-Arna`oot.

"Seeking knowledge is obligatory on every Muslim (male and female)." [25]

He also stated (ﷺ):

"He who travels to seek any (beneficial) knowledge is considered as a person who is struggling in Jihad for the cause of Allah ﷻ until he returns (home)."[26]

Another tradition of this meaning is the saying of Allah's Messenger (ﷺ):

"Whosoever takes a path seeking knowledge Allah (ﷻ) will pave a path for him to Paradise." [27]

It is unlawful for a scholar to withhold useful knowledge as the Messenger of Allah (ﷺ) said:

'Whosoever withholds knowledge will have a harness of fire placed on him on the Day of Judgment.' [28]

- **The Preservation of Honor, Family and Lineage**

The family unit is the basis of a healthy society and this can only be maintained by upholding the sanctity of marriage. For the preservation of moral purity among all men, women and children in the society Islam strictly prohibits adultery, fornication and homosexuality. Islam concurs with previous divine religions in this prohibition but goes further by banning many acts that may lead to committing this sin, like immodest dress and free mixing of the sexes in public or private quarters. These manners and precautions cut the avenues towards temptations. Allah the Almighty says in the Glorious Qur'an:

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25 Reported by Ibn Majah no . 337.

26 Reported by Tirmidhi, no. 2785.

27 Reported by Abu Dawood 3:317 and Tirmidhi, no. 2785.

28 Reported by Ibn Hibban, no. 296.

﴾**Nor come near to unlawful sex. Verily it is a great sin, and an evil way.**﴿ (17:32)

And He, the Exalted says:

﴾**Say (O Muhammad): "Come, I will recite what Allah has prohibited you from": join not anything as equal with Him; be good to your parents; kill not your children because of poverty - We provide sustenance for you and for them - come not near to shameful deeds, whether open or secret; take not life, which Allah has made sacred, except by way of justice and law: thus does He command you, that you may learn wisdom.**﴿ (6:151)

Abdullah ibn Mas'ood (ﷺ) relates that he said: O Messenger of Allah, which sin is gravest to Allah? He said: "**That you make others to be equal to Allah even though (He alone) has created you.**" I then asked: And then what? He said: **"To kill your child fearing that he will eat along with you."** I then said: And then what? He said: **"To fornicate or have adultery with your neighbor's wife."** Then the Messenger of Allah (ﷺ) recited the following verses of the Qur'an (reaffirming what he just said):

﴾**And those who invoke not with Allah any other god, nor slay such life which Allah has made sacred, except for just cause, nor commit fornication - and whoever does this shall meet (the due reward of his) sin. The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace. Unless he repents, believes, and works righteous deeds, for those Allah will change their sins into good deeds, and Allah is Oft-forgiving Most Merciful.**﴿ (25:68-70) [29]

The punishment of flogging is legislated for a previously unwed

29 Reported by Bukhari no.4207 and Muslim no.86.

male or female who commit fornication. Allah, the Exalted, states in the Glorious Qur'an:

> ﴿**The woman and the man guilty of adultery or fornication, flog each of them with a hundred stripes: let not compassion move you in their case, in a matter prescribed by Allah, if you believe in Allah and the Last Day: and let a party of the Believers witness their punishment.**﴾ (24:2)

As for the married male or female who commits adultery while being married or after divorcing one’s spouse, the penalty for such a criminal is like in the Torah scriptures: stoning to death. To apply this punishment, the judge must either have the full confession, or the testimony of four trustworthy eyewitnesses who testify that they clearly saw sexual penetration.

Confession means that the crime is confessed openly by the adulterer/fornicator before the Muslim Judge or ruler. The confession must be repeated four times to remove any doubt. In the case of testimony, four trustworthy, honest and sound people must report to the Muslim judge or ruler seeing the actual sexual penetration of the fornicators or adulterers, a scenario that is very rare under normal circumstances.

The early history of Islam recorded a few instances of confession of the crime of adultery wherein the individuals openly confessed their crime because their strong faith in Allah (ﷻ) propelled them to the desire for sincere repentance and purification. As the traditions make clear, Allah will not punish someone twice for the same crime, and they wanted to be protected from having the punishment in the Hereafter. It should be noted that if sexual penetration and intercourse does not fully take place - if a person, for instance only kisses, hugs or touches – then there is no application of the punishment.

The penalty of false accusation for those who do not produce evidence to support their claims and accusations is eighty

lashes, and a further punishment is that their testimony is thereafter rejected. As Allah says in the Glorious Qur'an

> ﴾**And those who accuse chaste women, and produce not four witnesses, (to support their allegations), flog them with eighty stripes; and reject their testimony ever after: for such men are disobedient.**﴿ (24:4)

Mockery and derogatory words and deeds that violate the honor, dignity and respect of others in the community are strictly prohibited, as Allah says in the Glorious Qur'an:

> ﴾**O you who believe! Let not some men among you mock others: it may be that the (latter) are better than the (former): nor let some women mock others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames: ill-seeming is a name connoting wickedness, (to be used of one) after he has believed: and those who do not desist are (indeed) doing wrong. O you who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would abhor it. However, fear Allah: for Allah is Oft-Returning, Most-Merciful.**﴿ (49:11-12)

Another verse of the Glorious Qur'an sates:

> ﴾**But if any one earns a fault or a sin and throws it on to one that is innocent, he carries (on himself) (both) a falsehood and a flagrant sin.**﴿ (4:112)

Islam safeguards the sanctity of reproduction for the maintenance of the human race on earth. The human race is entrusted with the guardianship of the entire earth and the representation of divine wisdom to serve as the vicegerent of the Almighty Allah on earth. Destroying the means of reproduction by any means or tampering with it in any way for

no legitimate reason is an unlawful practice according to Islam. The Almighty Allah states in the Glorious Qur'an:

> ﴾**When he turns away his aim is to spread mischief everywhere through the earth and destroy crops and cattle. But Allah loves not mischief.**﴿ (2:205)

Islam considers deliberate abortion of the fetus after four months a premeditated act of murder tantamount to infanticide that entitles punishment for all who participate. Unintentional abortion may require blood-money substitution for the aborted fetus and fasting for two consecutive months in repentance to Allah, if caused by accident or manslaughter.

Many hadiths recommend a Muslim to get marry and seek offspring. Allah’s Messenger (ﷺ) said,

> **“Marry a woman who is loving and can bear many children, for verily I will display your outnumbering of the other nations on the Day of Requital (due to the large number of my followers).”** [30]

Islam places special value on strong family bonds and good relations among relatives. Since the family is the basis and the foundation of the society, many rules help protect this family against break up and disintegration. Relatives have obligations and rights. One must recognize the rights of kith and kin and consequently satisfy the rights of each relative in the most appropriate fashion.

Mixing between the male and female members of the family - who are permitted to marry one another lawfully- may lead to many family social problems. To avoid any unwanted situation, Islam commands segregation between the male and female members of the family who are allowed to marry each other. A woman is allowed to appear without her outer garments only

30 Reported by Abu Dawood, no. 2050.

before her father, brothers, uncles, grandfathers, father-in-law and sons.

In the pre-Islamic days of *Jahiliyyah* (Ignorance) the family system was corrupted and decadent. Islam initiated decisive reformations and annihilated all existent malpractice. Some of the institutions banned by Islam will be mentioned as examples.

Islam prohibits the kind of legal adoption whereby a child takes the family name of the adopting father or parents and will be entitled to all rights and duties of a blood child. Of course taking care of orphans and neglected children is strongly encouraged, and this form of charity has special merit. The verse in the Glorious Qur'an says:

> ﴿**Allah has not made for any man two hearts in his (one) body: nor has He made your wives whom you divorce by *Dhihar*[31] your mothers: nor has He made your adopted sons your sons. Such is (only) your (manner of) speech by your mouths. But Allah tells (you) the Truth, and He shows the (right) Way. Call them by (the names of) their fathers: that is more just in the Sight of Allah. However, if you know not their fathers' (names, call them) your Brothers in Faith, or your *Maulas*[32]. However, there is no blame on you if you make a mistake therein: (what**

31 *Dhihar* is the practice of saying to one's wife, 'You are declared unlawful to me like the back of my mother .' This is an unlawful practice in Islam, which was banned from pre-Islamic (*Jahiliyyah*) society.

32 This is a known title in the pre-Islamic (*Jahiliyyah*) society given to the person, or a group of people who surrender themselves as loyal followers to a tribe or a clan, although they do not belong to them, for the sake of protection and seeking their support. Those individuals do not have the same class, category or rights as the original tribe or clan members.

counts is) the intention of your hearts: and Allah is Oft-Forgiving, Most Merciful.﴾ (33:4-5)

Islam bans ascribing a child to a man as a son without the man's admission to be the father because such a claim jeopardizes marital relationships as well as family life. A woman is to be protected from false accusations that blemish her honor and dignity of illegitimate sexual activities with a man other than her husband. Moreover, such a false claim of a man may create doubts and in turn a rift between the rest of the children of the family, not knowing legitimate from illegitimate. Any child born who is a legitimate product of a marriage contract is attributed to the father with no need of any further proof or denial. A husband of a woman needs not to announce that the child is his. This practice is based on the statement of Allah's Messenger (ﷺ),

"The child (born as a result of a lawful marriage) belongs to the (bed of) his father." [33]

The only exception to this rule is when it is proved, beyond a doubt, that the wife has betrayed her husband and is pregnant from other than her husband. In such a case, specific rules of disowning the child will apply. After disowning, he will become as a total stranger in relation to the husband. This means that if the disowned child is female, she must not appear before such a man at her leisure, travel with him, live with him or deal freely with him.

A Muslim woman, after marriage keeps her maiden name according to Islamic jurisprudence. According to Islamic teachings and law, it is unlawful for a woman to bear the family name of her husband after marriage. Looking at this closely one can comprehend the great honor, dignity and respect granted to the woman in Islam. This practice preserves the equality and equal right of a Muslim woman to the Muslim man of the right

33 Reported by Bukhari no.2105 and Muslim no.1457.

of carrying her own independent name, especially in the event of divorce.

- **Preserving and honoring the rights of the weak and the disabled:** Islam honors the elderly members in the Islamic society and mandates their respect and assistance. The Messenger of Allah (ﷺ) said:

> **"He is not considered among us Muslims, who does not show mercy to our youngsters and respect to our elders."**[34]

Islamic law obligates assistance to orphans, as Allah the Most Merciful says in the Glorious Qur'an:

> ﴾**Therefore treat not the orphan with harshness.**﴿ (93:9)

And He, the Exalted, says:

> ﴾**Come not near to the orphan's property except to improve it, until he attains the age of full strength; and fulfill (every) engagement, for (every) engagement will be inquired (on the Day of Reckoning).**﴿ (17:34)

And He says:

> ﴾**Those who unjustly eat up the property of orphans, eat up a fire into their own bodies: they will soon be enduring a blazing fire!**﴿ (4:10)

Allah (ﷻ) addressed the preservation of the rights of the innocent children whose parents might commit a crime against them due to poverty and total ignorance by killing them. Allah (ﷻ) states in the Glorious Qur'an:

> ﴾**Say (O Muhammad): "Come, I will recite what Allah has prohibited you from": join not anything as equal with Him; be good to your parents; kill not your children because of poverty - We provide sustenance for**

34 Reported by Abu Dawood no. 1984 and Tirmidthi no. 2091.

you and for them - come not near to shameful deeds, whether open or secret; take not life, which Allah has made sacred, except by way of justice and law: thus does He command you, that you may learn wisdom.》 (6:151)

In this fashion we can see the utmost respect and preservation afforded to the weak, and less affluent and ailing people in the Islamic society.

- **The Preservation of Wealth**

Private wealth and property are the basis of the economy and livelihood of the members of the society. Islam protects personal wealth and imposes very strict penalties against banditry, robbery, and thievery, and any violations against the sanctity of property. Cheating, embezzlement, monopoly, hoarding and many other harmful practices are also prohibited. This is done with the intention of ensuring protection to the wealth and personal assets of the individuals. Islamic law imposes the corporal punishment of cutting off the hand of the thief who steals the property of others, in according to strict requirements and due process of law. Allah, the Almighty, states in the Glorious Qur'an:

《Cut off (from the wrist joint) the (right) hand of the thief, male or female, as a recompense for that which they committed, a punishment by way of example from Allah. And Allah is Exalted in Power, Full of Wisdom.》

(5:38)

It must be noted that the process of amputating the hand of a thief is only implemented with strict conditions, which include the following:

- The stolen items or valuables must be in a preserved area whereby the thief gets into to the private area. If a thief steals an item that is left outside negligently or not cared for, there is no

punishment by amputation. The thief in this case may be subjected to the penalty of snatching, wherein the authorities determine the appropriate penalty or *"Ta'zeer."*

- The theft committed must not involve food for survival from hunger. The second Caliph Omar bin al-Khattab (ﷺ) during the famine of the "*Ramadah* Year" did not apply the punishment for stealing due to the conditions of widespread hunger.

- The value of the stolen items must be above the range of the value set for stealing that obligates amputation of the hand.

These physical punishments are not to be carried out unless there is irrefutable evidence (i.e. no doubt that the crime has been committed) and that it is punishable by Islamic law.

Islamic jurisprudence, however, while expiating corporal punishment of a criminal for the crime he committed, will substitute it with another type of disciplinary punishment. Disciplinary punishment is usually less than the corporal punishment and is determined by the Muslim judge according to the type, level, category and severity of the crime and the criminal himself and his criminal record. Disciplinary punishment may be imprisonment, flogging in public, reprimanding him or imposing a fine for his crime.

Other than thievery Islam has banned all types of transgression against private possessions, estate and land ownership. This is based on the verse in the Glorious Qur'an:

> ﴾**And eat up not one another's property unjustly (in any illegal way e.g. stealing, robbing, deceiving, etc.), nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully**﴿ (2:188)

Therefore, the transgressor will be subjected to a tremendous and severe penalty on the Day of Requital. This is based on the statement of Allah's Messenger (ﷺ):

> **"Whosoever unjustly takes any money or the wealth of another Muslim without a due right, Allah will meet such a person in a state of anger."** [35]

Another statement of Allah's Messenger (ﷺ) is:

> **"Whosoever usurps a hand span of land, Allah (ﷻ) will have this oppressor to be surrounded with seven earths (around his neck) on the Day of Requital."** [36]

Islamic law demands that the oppressor must return the amount he unjustly confiscated from other Muslims' land or property, or alternatively he is forced to pay the value of such unjustly confiscated property. Furthermore, the oppressor in such a situation is subjected to a lashing penalty determined by the Muslim judge. Islam entitles the owner of wealth to defend all that he owns, even to the point of killing the aggressor, if that is the only means of stooping the aggression. If the owner kills the aggressor he is not to be killed for killing him, if he can prove that he killed him while defending his property. If the aggressor, on the other hand, killed the defending owner, owner is a martyr and the attacker a murderer. This is based on the statement of Allah's Messenger (ﷺ),

> **"Whosoever is killed defending his wealth is a martyr."**[37]

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35 Reported by Ahmad no. 3946.

36 Ibid. no. 9588.

37 Reported by Bukhari no 2348.

Note on the preservation of the national resources:

Reserved national resources are public property and the income generated from these natural resources must be placed in the Public Treasury to finance the needs of the public. Such resources are not to be owned privately by a specific group or class of people or individuals for any specific merit. The revenue of such resources is solely to be used for public welfare. It becomes a collective responsibility of the Islamic society to be vigilant against any intruder or aggressor against this property. Any unlawful exploitation of common natural resources is banned according to Islamic teachings and principles. Allah, the Almighty, states in the Glorious Qur'an:

> ﴾**...and do not act corruptly, making mischief on the earth.**﴿ (2:60)

Furthermore, this is based on the statement of Allah’s Messenger (ﷺ),

> **“Muslims are partners in three (natural resources): water, grazing grass and fire.”**[38]

Note on public and private rights in Islam:

Islam endeavors to strengthen the social ties among the members of the Islamic society. Islam addressed the rights of the immediate members of the family first, then the kindred who have obligations and rights towards each other according to their closeness. The value and the importance of such rights vary according to the kind and degree of relationship. Allah, the Almighty, states in the Glorious Qur'an:

> ﴾**O Mankind! Be dutiful to your Lord, Who created you from a single person, and from him He created his wife; and from them He created many men and women; and fear Allah through Whom you demand (your mutual**

38 Reported by Abu Dawood no.3477.

rights) and (do not cut the relations of the wombs). Surely Allah is ever an All-Watcher over you.》 (4:1)

And Allah says in the context of inheritance rules:

《You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise.》 (4:11)

Other relationships were not neglected in Islam either since they are all part of the network that joins people making them closer to each other personally and socially. More distant people to each other also need a type of bond that brings them together in the net in order to help and appreciate one another and build a cohesive society. Allah, the Almighty states in the Glorious Qur'an:

《(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: With Allah rests the end (and decision) of (all) affairs.》 (22:41)

Strengthening of relationships is also guided by the statement of Allah's Messenger (ﷺ),

"Do not envy one another; do not inflate prices on one another; do not hate one another; do not turn away from one another; and do not undercut one another, but be you, O servants of Allah, brothers. A Muslim is the brother of a Muslim; he neither oppresses him nor does he fail him, he neither lies to him nor does he hold him in contempt. Piety is right here - and he pointed to his breast three times. It is evil enough for a man to hold his brother Muslim in contempt. A Muslim for another Muslim is inviolable; his blood, his property, and his honor."[39]

39 Reported by Muslim no. 2564.

And he (ﷺ) said:

> **"The example of believers in love, affection, cooperation and sympathy is like that of one body. If one organ of the body aches, the entire body will support the aching body part by wakefulness and fever."** [40]

Therefore, there are well-established public and private rights in the Islamic society. In the section below we will highlight the most important public and private rights in the Islamic law and teachings:

1. Rights of Almighty Allah
2. Rights of the Prophet Muhammad (ﷺ)
3. Rights of other Prophets and Messengers
4. Rights of Parents
5. Rights of Husband towards His Wife
6. Rights of Wife towards Her Husband
7. Rights of Children
8. Rights of Relatives

• The Rights towards Allah, the Almighty

The essential right of man towards Allah (سبحانه وتعالى) is to worship Him alone, setting up no rivals or partners with Him, nor attributing any sons or daughters to Him (سبحانه وتعالى). The eternal truth of all existence is that **LA ILAHA ILAL-ALLAH** "There is no god worthy of being worshipped except Allah," meaning that there is no so-called "god" or deity or entity worthy of worship and absolute obedience. This is the testimony of faith of a Muslim that involves the following requirements:

* Allah alone deserves to be worshiped and obeyed in an absolute sense. None has the right to be worshiped along with or besides Him. All statements, acts and hidden intentions must agree with what the Almighty has designated. All actions of

40 Reported by Bukhari no. 2238 and Muslim no. 2586.

man must be performed for the Pleasure of the Almighty. The Almighty Allah states in the Glorious Qur'an:

> ﴾**And your Lord said: "Invoke Me, [i.e. believe in My Oneness] (and ask Me for anything) I will respond to your (invocation). Verily! Those who scorn My worship [i.e. do not invoke Me, and do not believe in My Oneness] they will surely enter Hell in humiliation!** ﴿
>
> (40:60)

* A Muslim is required to believe in the "Names and Attributes" that Allah (ﷻ) has given Himself, or those attributed to Him through revelation by His Prophet and Messenger (ﷺ). No one may attribute any name or quality by speculation to Allah that neither Allah (ﷻ) nor His Prophet and Messenger have attributed to Him. He must not offer any undue explanation or similitude or to express an opinion concerning these Names and Attributes of Allah (ﷻ). Allah the Exalted says in the Glorious Qur'an:

> **﴾There is nothing like unto Him, and He is the All-Hearer, the All-Seer.﴿ (42:11)**

* Man must submit himself to Allah in faith with total and sincere belief, declaring with his tongue, accepting with his heart and showing with his actions the truth of the statement that Allah, the Almighty states in the Glorious Qur'an:

> ﴾**So know that *La ilaha ill-Allah* (none has the right to be worshiped but Allah), and ask forgiveness for your sin, and also for (the sins of) believing men and believing women. And Allah knows well your moving about, and your place of rest (in your homes).**﴿ (47:19)

* Human beings are obligated to give full and total submission to the Will of Allah .This is based on the instruction of the verse of the Glorious Qur'an:

﴾**It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His Messenger, he has indeed strayed in a plain error.**﴿ (33:36)

* A Muslim must have pure love of Allah (ﷻ) as well as His Prophet and Messenger (ﷺ). This love should dominate the love of other beings and his own self in times of conflict and contradiction. Allah the Exalted says in the verse of the Glorious Qur'an:

﴾**Say: If your fathers, your sons, your brothers, your wives, your kindred, the wealth that you have gained, the commerce in which you fear a decline, and the dwellings in which you delight...are dearer to you than Allah and His Messenger, and striving hard and fighting in His Cause, then wait until Allah brings about His Decision (torment). And Allah guides not the people who are *Al-Fasiqun* (the rebellious, disobedient to Allah).**﴿ (9:24)

* Man must worship Allah only in the manner and form legislated by Allah through his Messenger and Prophet (ﷺ). It is not allowed to invent an act of worship through speculation and then ascribe it to the true religion. All the worship should be in line with the revealed religion of Islam. For example to offer the "*Salah*" prayer. One of the fruits of offering and maintaining such prayer is that it helps to enjoin good and stop all evil acts. Allah, the Almighty states in the Glorious Qur'an:

﴾**Recite what has been revealed to you of the Book (the Qur'an), and perform As-Salah. Verily, As-Salah (the prayer) prevents from *Al-Fahsha'* (i.e. great sins of every kind, unlawful sexual intercourse, etc.) and *Al-Munkar* (i.e. disbelief, polytheism, and every kind of evil wicked deed, etc.) and the remembering of Allah is the greatest indeed. And Allah knows what you do.**﴿ (29:45)

The payment of *Zakah* (obligatory charity) to the destitute and needy generates self-purification and elimination of miserliness and niggardliness, as well as alleviating the pains and trials of the less fortunate. Allah, the Almighty states in the Glorious Qur'an:

> ﴾**He who spends his wealth for increase in self-purification. And who has (in mind) no favor from anyone to be paid back. Except to seek the Countenance of his Lord, the Most High. He surely will be pleased (when he will enter Paradise).**﴿ (92:18-21)

Observing *Saum* (fasting) enables man to have better control and self-discipline over temptations and passions. Man becomes more conscious of the sense of piety and God-fearing, and the needs of the poor and less fortunate. The Almighty Allah states in the Glorious Qur'an:

> ﴾**O you who believe! Observing *as-Saum* (the fasting) is prescribed for you as it was prescribed for those before you, that you may become *Al-Muttaqun* (the pious).**﴿
>
> (2:183)

Hajj (pilgrimage) has many benefits, as Allah, the Almighty states in the Glorious Qur'an:

> ﴾**That they may witness things that are of benefit to them (i.e. reward of Hajj in the Hereafter, and also some worldly gain from trade, etc.), and mention the Name of Allah on appointed days, over the beast of cattle that He has provided for them. Then eat thereof and feed therewith the poor who have a very hard time.**﴿ (22:28)

All these and other acts of worship in Islam are meant for man's own benefit. There is never undue hardship when performed under normal circumstances. Allah, the Almighty states in the Glorious Qur'an:

﴾**Allah intends for you ease and He does not want to make things difficult for you.**﴿ (2:185)

The Messenger of Allah (ﷺ) said in support of this concept:

"If I command you to do anything, do as much as you can." [41]

And he (ﷺ) said:

"Religion is easy…" [42]

In the event of sickness and other legitimate hardships, worships are either completely exempted or sustained with some concessions. For instance, standing is required to perform daily-prescribed prayer but if one is unable he may offer it sitting down, and if that is not possible, by lying down on the side of the body or on his back, or in any other way that is suitable and comfortable to his situation. If a worshipper is not able to maintain his prayer in any of the above situations, he may pray by the motions of his hands or even eyes. It is incumbent to perform ablution prior to offering a prayer but this requirement is waived if a Muslim cannot find water or there is some harm in its use. In place of water, he performs *Tayammum* (Dry ablution) instead and offers his prayer exactly as if he had performed ablution with water. A woman in her menstrual period or one who is experiencing post-natal bleeding is exempted from performing prayer until her bleeding completely stops, and she is not required to make up the prayers she missed. A Muslim, male or female, who does not possess *Nisab* (the requisite minimal amount on the basis of which it is obligatory to pay Zakah), is not required to pay any Zakah. An old person who is unable to observe fasting, and a sick person who also cannot observe fasting are conveniently exempted from fasting. They have to pay its atonement if they are able. Atonement is to feed a needy person one meal for each day not

41 Bukhari, Hadith No. 1337.

42 Bukhari, Hadith No. 39.

fasted. Similarly, a traveler may break his fast while traveling, as traveling involves hardship and fatigue. A woman in her menses or after childbirth is not to fast until her bleeding completely stops, whereupon she makes up those missed days of fasting. The Hajj is not obligatory on any person who is incapable due to physical inability or financial constraints since the person intending Hajj must have sufficient funds to satisfy himself and his family's needs beyond the expenses of pilgrimage. Allah, the Exalted, says in the Glorious Qur'an:

> ﴾**In it are manifest signs (for example), the Station of Ibrahim (Abraham); whosoever enters it, he attains security. And Hajj (pilgrimage to Makkah) to the House (Ka'bah) is a duty that mankind owes to Allah, those who can afford the expenses; and whoever disbelieves [i.e. denies Hajj then he is a disbeliever of Allah], then Allah stands not in need of any of His creatures.**﴿ (3:97)

Another example of the mitigation of hardships in Islam is when a person faces the shortage of lawful food and is on the brink of death; in this case, he is allowed to take even unlawful food items like blood and meat of dead animals, enough to keep him alive. This rule is also based upon the instructions of the verse of the Glorious Qur'an:

> ﴾**He has forbidden you only the dead animals, and blood, and the flesh of swine, and that which is slaughtered as a sacrifice for others than Allah. But if one is forced by necessity without willful disobedience nor transgressing due limits, then there is no sin on him. Truly, Allah is Oft-Forgiving, Most Merciful.**﴿ (2:173)

The Rights towards Prophet Muhammad(ﷺ)

Allah sent His Messenger to guide mankind and if man believes and obeys him giving him all his due rights, Allah has promised success in this life and the Hereafter as a reward. These rights

are summarized in the following testimony along with the above testimony (There is no god worthy of being worshipped except Allah), "Muhammad (ﷺ) is the slave and Messenger of Allah (ﷻ)". This declaration requires the following:

* A Believer must comply with the commands of the Prophet (ﷺ) and must strive to avoid acts of disobedience as Allah, the Exalted, says in the Glorious Qur'an:

> ﴾**So take whatsoever the Messenger gives you, and abstain from that which he forbids you. And fear Allah, verily Allah is severe in Punishment.**﴿ (59:7)
>
> * A Muslim must follow the authentic traditions of the Sunnah (way of the Prophet) to the best of his ability. No one has any authority to alter, add or omit any of the Sunnah traditions of the Messenger of Allah (ﷺ). Allah, the Exalted, says in the Glorious Qur'an:
>
> ﴾**Say: 'If you really love Allah, follow me: Allah will love you and forgive you your sins. And Allah is Oft-Forgiving, Most Merciful.**﴿ (3:31)

* A Believer must honor the special status and dignity bestowed by Allah to His Prophet (ﷺ). No one must adulate or degrade this status. The Prophet (ﷺ) said:

> **"Do not adulate me as the Christians adulated the son of Maryam; (as) I am no more than a slave (of Allah)…so say: Allah's slave and His Messenger."** [43]

And he (ﷺ) said:

> **"O people! Say what you have to say, and do not allow yourselves to be seduced by Satan. I am Muhammad, the slave and Messenger of Allah. I do not like you to**

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43 Reported by Bukhari, Hadith No. 2330.

elevate me above the status assigned to me by Allah the Almighty." [44]

And he (ﷺ) is reported to have said:

"Do not praise me more than I deserve. Allah (ﷻ) created me as a slave before calling me a Prophet and Messenger." [45]

*A Muslim must show acceptance and satisfaction of any verdict passed by the Prophet of Allah (ﷺ) as Allah, the Exalted, says in the Glorious Qur'an:

﴾**But no, by Your Lord, they can have no (real) Faith, until they make you judge in all disputes between them, and find in their souls no resistance against your decisions and accept them with full submission.**﴿ (4:65)

* Belief in the universality of the Message of Prophet Muhammad to all humanity. Islam is not designated for a specific category of people, as it was the case with previous Prophets and Messengers (ﷺ). This is derived from the verse of the Glorious Qur'an:

﴾**Say: "O mankind! Verily, I am sent to you all as the Messenger of Allah - to Whom belongs the dominion of the heavens and the earth. *La ilaha illa Huwa* (there is no god but He); It is He Who gives life and causes death. So believe in Allah and His Messenger, the Prophet who can neither read nor write, who believes in Allah and His Words, the *Taurah* (Torah) and the *Injeel* (Gospel) and also Allah's Word: "Be!" - and he was, i.e. *'Iesa* (Jesus) son of Maryam (Mary)], and follow him (Muhammad ﷺ) so that you may be guided.**﴿ (7:158)

* Belief that Allah's Messenger and Prophet, Muhammad (ﷺ) has been protected by Allah against possible human errors in

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44 Reporterd by An-Nisa'e and verifed as good.
45 Tabranee.

relation to his mission to mankind. This includes the belief that the Prophet (ﷺ) never ommitted or added anything to the complete Message of Allah (ﷻ). This is based on the verse of the Glorious Qur'an:

﴾**Nor does he speak of (his own) desire .**﴿ (53:3)

* Belief that Prophet Muhammad (ﷺ) is the final Prophet and Messenger of Allah (ﷻ) to mankind, and that no Prophet or Messenger will come after him (ﷺ). Allah says in the Glorious Qur'an:

﴾**Muhammad is not the father of any of your men, but (he is) the Messenger of Allah, and the Last of the Prophets.**﴿ (33:40)

And the Messenger of Allah (ﷺ) said:

"… and there is no prophet after me." [46]

* Belief that the religious duties and divine commands Allah sent to mankind are complete, and that the Prophet (ﷺ) has delivered the Message of Allah (ﷻ) in its entirety, and gave the best advice to his Ummah (nation) and the best guidance to do all good and to avoid all evil. This is based on the verse of the Glorious Qur'an:

﴾**This day, those who rejected Faith have given up all hopes of your religion, so fear them not, but fear Me. This day I have perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion.**﴿ (5:3)

* Belief that the laws legislated in Islam are approved by Allah (ﷻ), and that all the various types of worship are based upon and revolve around these divine laws. Independent human actions will not be accepted, Allah knows best, unless and until

46 Reported by Bukhari no. 4416, and Muslim no. 2404, and others.

they are in conformity with these divine laws. This is based on the verse of the Glorious Qur'an:

> ﴾**And whoever seeks a religion other than Islam (submission to Allah), never will it be accepted of him, and in the Hereafter he will be among the losers.**﴿ (3:85)

* A Muslim must offer the proper greeting to Allah’s Prophet and Messenger (ﷺ) when his name is mentioned as a form of respect, as instructed in the verse of the Glorious Qur'an:

> ﴾**Allah and His Angels send blessings on the Prophet: O you who believe! Send your blessings on him, and salute him with all respect.**﴿ (33:56)

* A Believer must have true love and affection for the Prophet and Messenger of Allah (ﷺ) above the love of all others, since information and practices of the true religion of Allah (سبحانه وتعالى) and the many blessings that the Prophet (ﷺ) brought as guidance, are the only means of salvation by the will of Allah. This is based on the instruction of the verse of the Glorious Qur'an:

> ﴾**Say: If your fathers, your sons, your brothers, your wives, your kindred; the wealth that you have gained; the commerce in which you fear a decline; and the dwellings in which you delight -are dearer to you than Allah and His Messenger, and striving hard and fighting in His cause- then wait until Allah brings about His decision. And Allah guides not the rebellious.**﴿ (9:24)

* A Muslim must devote every possible effort and opportunity available to him to call, with wisdom and patience, all others to the Message of Muhammad (ﷺ). He should strive to inform those who are unaware and misinformed and strengthen the faith of people with weak, wavering faith. As Allah, the Most Wise, says in the Glorious Qur'an:

﴾**Invite (all) to the Way of your Lord with wisdom and beautiful preaching; and argue with them in a way that is better and most gracious. Truly, your Lord knows best who has gone astray from His Path, and He is the Most Aware of those who are guided.**﴿ (16:125)

This is also based on the statement of Allah's Prophet and Messenger ﷺ,

"Propagate, on my behalf, even one verse." [47]

- ## Rights towards Other Prophets and Messengers

A Muslim's belief in Islam is not complete or acceptable unless he declares belief in the truth of all the previous Prophets and Messengers of Allah (ﷻ). A Muslim must believe that all the previous Prophets and Messengers were sent for specific groups of people during a specific time, whereas the Message of Islam is universal and for all times and places until the Day of Requital. Allah says in the Glorious Qur'an:

﴾**The Messenger believes in what has been revealed to him from his Lord, as do the men of faith. Each one (of them) believes in Allah, His angels, His Books, and His Messengers. "We make no distinction (they say) between one and another of His Messengers." And they say: 'We hear, and we obey, (we seek) Your forgiveness, our Lord, and to You is the return .**﴿ (2:285)

Muslims are required to deliver the Message of Islam to others, but never to force or compel others to accept it, as Allah, the Exalted, says in the Glorious Qur'an:

﴾**Let there be no compulsion in religion.**﴿ (2:256)

47 Bukhari, Hadith No. 3461 and Tirmidthi, Hadith No. 2669.

- ## The Rights of Parents

The rights of parents include respect, love and obedience. This obedience is conditional in that it does not contradict obedience to the commands of Allah and His Messenger. It involves care and kindness to both parents, and provision of necessities for elder parents. Humility and respect to both parents equally is an obligation, and any arrogance or insolence is forbidden. Patience and perseverance are required when serving parents, no matter what the circumstances. Allah says in the verse of the Glorious Qur'an:

> ﴾**And your Lord has decreed that you worship none but Him, and that you be kind to your parents. Whether one or both of them attain old age in your life, say not to them a word of contempt, nor repel them…and address them with good words.**﴿ (17:23)

The Messenger of Allah (ﷺ) instructed us saying:

> **"Allah's Pleasure (on someone) is based on the pleasure of his parents. The Wrath of Allah is based upon the anger of his parents."** [48]

Both parents are entitled to this right even if they are not Muslims so long as they do not command their children to do any act of disobedience to Allah (ﷻ). Asmaa -the daughter of the Abu Bakr- said: 'My mother came to visit me while still not a Muslim. I asked Allah's Prophet (ﷺ) concerning her visit (and how to treat her while visiting me) and said, My mother is eager to visit with me. Should I (or should I not) extend my courtesy (as a host) to her? He (ﷺ) said: **"Yes, extend courtesy.[49]"**

The mother must be given priority in terms of kindness, sympathy, good feelings, love and affection as mentioned by Allah's Prophet (ﷺ): "A man came to Allah's Prophet (ﷺ) and

48 Tirmidthi, Hadith No. 1962.

49 Muslim, Hadith no. 1003

asked him, ‘O Prophet of Allah! Who is the most worthy and deserving person of my good treatment and companionship? He (ﷺ) replied**, “Your mother.”** The man asked, ‘who is next worthy person of my companionship?’ Allah’s Messenger replied, **‘your mother.’** The man asked ‘ who is next?’ Allah’s Messenger replied, **‘your mother’.** The man asked ‘who is next?’ Allah’s Messenger replied, **“your father.”** And in another version there is the ending:**“…your father, and then the next nearest and next nearest.”**[50]

Allah’s Messenger (ﷺ) assigned the mother with a three-fold portion of the right of companionship. The father, in comparison, receives only one share. This is due to the fact that mothers suffer more hardships during pregnancy and during the delivery and care of their children. Allah says in the Glorious Qur'an:

> ﴿**And we have enjoined on man kindness to his parents: in pain did his mother bear him, and in pain did she give him birth.**﴾ (46:15)

This in no way demeans the rights of the father, since the Prophet (ﷺ) said:

> **"No son can repay (the right of his father) unless he finds him a slave, buys him and then emancipates him."** [51]

• The Rights of Husband towards His Wife

A husband has the right of ultimate authority of the home management since he is responsible for them and is accountable for all aspects of their maintenance. His leadership should be with justice, patience and wisdom. As Allah says in the Glorious Qur'an:

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50 Bukhari, Hadith no. 2227 and Muslim, Hadith no. 2584.

51 Reported by Muslim no.1510.

﴾Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means.﴿ (4:34)

One reason among many for this degree of responsibility is that men are generally stronger and rational whereas women are generally weaker and more emotional, traits given to them by their Creator to serve their complementary roles in life and in the family. A wife is required to obey the commands and instructions of her husband as long as these do not involve any act of disobedience to Allah's command and the Prophet's instructions. Aishah, the wife of the Prophet (ﷺ) questioned him:

"Whose right is the greatest on a woman? He (ﷺ) replied, 'A woman's husband's.' The Messenger (ﷺ) was asked: 'whose right is the greatest on a man? ' He (ﷺ) replied, 'His mother's." [52]

A wife must not demand from her husband things that he cannot afford, that he is not capable to produce, or tasks beyond his ability. A wife is required to protect the children and the lineage of her husband by protecting herself and being completely chaste. She should be a trustworthy guardian of his wealth. She should not leave her husband's home without his prior knowledge and approval, nor allow any person who her husband dislikes to enter his home. This is to protect the honor and harmony of the family, as instructed by the Messenger of Allah ﷺ:

"The best of women is the one, who, if you look at her you will be pleased with her, if you command her [to perform any lawful action] she will obey you, and if you

52 Al-Haakem no.7244.

are absent she will protect and preserve your wealth and lineage."[53]

- ## The Rights of Wife towards Her Husband

The rights of wives concerning their husbands are many and may be summarized as follows:

Dowry: A wife is entitled to receive a dowry from her husband which a marriage contract is void without it. The dowry is not to be forfeited but after the completion of a marriage contract she may forfeit her right as Allah (ﷻ) says in the Glorious Qur'an:

> ﴾**And give to the women (whom you marry) their *Mahr* (dowry) with a good heart, but if they, of their own good will, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allah has made it lawful).**﴿
>
> (4:4)

Financial Support: A husband is required to provide, within his means and limits, all essential and basic requirements of his wife , children and entire household. Allah, the Exalted, says in the Glorious Qur'an:

> ﴾**Let the man of means spend according to his means and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief.**﴿ (65:7)

To encourage generosity towards the wives, Islam has named this financial support as charity which is rewarded greatly by Allah. The Prophet (ﷺ) said to Sa'ad ibn Abi Waqas:

53 Ibn Majah, Hadith no. 1862.

> **"No amount you spend on your family seeking reward from Allah but that He will reward you even if it is a bite of food that you put in your wife's mouth"**[54]

A wife has a right to take a reasonably required amount from her husband's property for herself and her children without her husband's knowledge if he spends miserly on them according to the hadith wherein Hind bint 'Utbah said: O Messenger of Allah: verily Abu Sufyan is a miser and doesn't give me enough for myself and my child except what I take from his wealth without his knowledge, so he (ﷺ) said:

> **"Take what is reasonably enough for you and your son"**[55].

Companionship and intimate relationship: One of the most important rights of a wife is to secure from her husband a satisfactory level of intimate relationship and a fair amount of time with him. This right of the wife and family members must be fully maintained since a wife needs an affectionate husband to take care of her and fulfill her basic needs. As related by Jabir when the Prophet (ﷺ) said to Jabir: **"Did you marry O, Jabir?"** I said: Yes. He said: **"Virgin or matron (i.e. woman previously married)?"** I said: a matron. He said: **"Why didn't you marry a virgin so that you could play with her and she could play with you or you make her laugh and she makes you laugh"?**[56]

Protection of all the secrets of the wife: A husband must not disclose any of his wife's deficiencies or shortcomings, keeping all what he sees and hears from his wife as a secret that should not ever be disclosed. The intimate relationship between a husband and wife in Islam is cherished and protected. Marital

54 Bukhari, Hadith no. 3721.

55 Bukhari, Hadith no. 5049.

56 Bukhari, Hadith no. 6024.

relationships are sacred relationships according to Islam, as we read in the instructions of Allah's Messenger (ﷺ):

> **"One of the worst positions in the sight of Allah on the Day of Requital is that of a man who will have an intimate relationship with his wife, and then spread the secrets of his spouse to the public."**[57]

Equality and Fairness: The husband who is married to more than one wife must provide equally to all of his wives, offering them the same or comparable housing conditions and clothing. He is to spend equal time with each one of them. Any injustice in this regard is strictly prohibited as the Messenger of Allah (ﷺ) said:

> **"He who has two wives and does not treat them both equally will appear on the Day of Requital while he is half paralyzed."**[58]

Fair and kind treatment: A husband must extend just treatment to his wife and household. A husband must demonstrate care, kindness and solve any problem within his means, while forbearing the deficiencies and shortcomings of his wife seeking the Pleasure of Allah (سبحانه وتعالى) in both worlds. A husband should consult with his wife concerning their life and future needs and plans. He is required to secure and provide for his wife and household all means of a peaceful environment at home and outside. The Messenger (ﷺ) of Allah said:

> **"Those believers who have the most complete faith who possess the best of character, and the best among you are those who are the best to their wives."**[59]

57 Muslim, Hadith no. 1437.

58 Nisa`i, 7:63.

59 Trimidthi, Hadith no. 1162.

Protection and Preservation: By all the abilities available, a husband must not place or expose his wife or family members to any immoral situation or evil environment. This is based on the instructions of the verse of the Glorious Qur'an,:

> ﴾**O you who believe! Save yourselves and your families from a Fire whose fuel is Men and Stones, over which are (appointed) angels stern (and) severe, who flinch not (from executing) the Commands they receive from Allah, but do (precisely) what they are commanded.**﴿ (66:6)

He must protect the private wealth and property of his wife and must not use any of her personal funds or possessions without her prior approval. He must not engage in any transaction concerning his wife's finances, without her consent.

- ## The Rights of Children

The rights of the children are numerous, beginning with the entitlement to be given honorable names. The Prophet (ﷺ) said:

> **"Verily you will be called by your names and your fathers' names on the Day of Requital, so give yourselves good names"**.[60]

Their rights include provision of all the necessities of life like affordable housing, lawful food, beneficial education and proper upbringing. The Messenger of Allah (ﷺ) said,

> **"It is a sufficient sin to lose and waste those whom you are obligated to support [i.e. by not providing proper care and upbringing]."** [61]

60 Abu Dawood, no. 4948.

61 Abu Dawood, no. 1692.

Parents should teach them good moral behavior and protect them against bad habits such as lying, cheating, deception, selfishness, etc. The Messenger of Allah (ﷺ) said:

> **"Each one of you is a shepherd and is responsible for those under his care."**[62]

Children are entitled to receive just and equal treatment without being preferred one over another in terms of dealings and treatment, gifts, grants, inheritance etc. Unfair treatment to the children may result in bad behavior towards either or both parents and the other siblings. Nu'man b. Basheer said that my father offered me a gift from his wealth so my mother Umrah bint Rawah said: I would not agree to that until the Messenger of Allah (ﷺ) witnesses it. So my father went and asked him to witness my gift. The Messenger of Allah (ﷺ) asked: **"Did you offer the same to all of your children?"** The man replied, 'No!' Allah's Messenger (ﷺ) said to him: **"Fear Allah and be just in dealing with your children."** So my father returned and placed back that gift.[63]

• The Rights towards Relatives

Relatives have specific rights entitling them to special attention, visits and support. A wealthier Muslim is obliged to assist his or her relatives, with priority given to the nearest in kin, and then in order of nearness in relationship. A Muslim supports his brothers and relatives in times of need and shares their concerns. In the Glorious Qur'an we find the saying of Allah the Almighty:

> **﴾O Mankind! Be dutiful to your Lord, Who created you from a single person, and from him He created his wife;**

62 Bukhari, no. 853 and Muslim, no. 1829.

63 Muslim, Hadith no. 1623.

and from them He created many men and women; and fear Allah through Whom you demand (your mutual rights) and (do not cut the relations of the wombs). Surely Allah is ever an All-Watcher over you.﴿ (4:1)

Islam encourages a Muslim to be kind to his relatives even when they are unkind to him, and asks him to continue his relations even when they cut them off. Boycotting relatives and family members falls into the category of a major sin in Islam, as Allah says in the Glorious Qur'an

﴾**Then, is it to be expected of you, if you were put in authority, that you will do mischief, in the land, and break your ties of kith and kin? Such are the men whom Allah has cursed for He has made them deaf and blinded their sight.**﴿ (47:22-23)

A Word on Public Rights and Duties

1. Rights of a Ruler towards the Public
2. Rights of the People towards the Government
3. Rights of Neighbors
4. Rights of Friends
5. Rights of Guests
6. Rights of the Poor
7. Rights of Employees/Laborers
8. Rights of Employers
9. Rights of Animals
10. Rights of Plants & Trees (and the general environment)
11. Miscellaneous Rights

Islam instructs a believer to share the concerns and the trials of his Muslim brethren all over the world and assist them according to his ability. The Messenger of Allah (ﷺ) said:

> **"A Believer to the other is like the bricks of one building: each one strenghtens the other."** Upon saying this, the Messenger of Allah (ﷺ) intertwined his fingers .[64]

Islam teaches a Muslim to respect the reputation of a fellow Muslim and avoid undue suspicion. The Messenger of Allah (ﷺ) said:

> **"Avoid suspicion. Suspicion is the worst lie. Do not follow the bad news, shortcomings and deficiencies of your Muslim brethren. Do not spy upon your Muslim brethren. Do not compete [with evil minds and intentions] against your Muslim brethren. Do not hate your Muslim brethren. Do not turn away from your Muslim brethren [when they are in need of your help and assistance]. O slaves of Allah! Be brethren to one**

64 Bukhari, Hadith no. 5680 and Muslim, Hadith no. 2585.

another, as He (ﷻ) commanded you to be. A Muslim is a brother to another Muslim. A Muslim must be just to his Muslim brother. A Muslim must not let his brother down and forsake him. A Muslim must not discern or expose his Muslim brother [in any possible way or mean]. Everything that a Muslim possesses is unlawful for other Muslims to use [without prior approval of the owner] or abuse [for no due right]. Piety [and righteousness] is here, pointing out to his chest [i.e. the heart]. Piety is here. It is a sufficient evil for a Muslim to expose his Muslim brother. Everything that a Muslim owns or possesses is unlawful for another Muslim [to tamper with]; his blood [i.e. killing one another], his protected items [in terms of dignity, honor and family members], and his wealth or possessions. Truly, Allah (ﷻ) does not care to look at your bodies, shapes or forms, but rather He (ﷻ) is concerned with your hearts, deeds and actions." [65]

Another guideline for this is contained in the words of Allah's Messenger (ﷺ):

"A Muslim will not become a true believer until he likes for his Muslim brother what he likes for himself."[66]

The public rights that are common to all Muslims of the Islamic society are as follows:

1. The Rights of a Ruler towards the Public

This right is simply based on the contents of the verse of the Glorious Qur'an:

﴾O you who believe! Obey Allah, and obey the Messenger, and those charged with authority among you.﴿ (4:59)

65 Muslim, Hadith no. 2563.

66 Bukhari, Hadith no. 13.

The following are some of the directives required for a Muslim to observe:

- Obedience to the ruler in that which is not forbidden. This is based on the instructions of Allah's Messenger (ﷺ):

  "Listen and obey, even if a slave man from Ethiopia has been appointed [as a ruler] so long as he acts according to the Book of Allah."[67]

- Obedience of a Muslim ruler who is acting in accordance with the Divine Book of Allah is an extension to the obedience of Allah (ﷻ), and vice versa. Any act of disobedience to the commands of a ruler who is acting in accordance with the Book of Allah (ﷻ) is, in reality, an act of disobedience to Allah (ﷻ).

- A Muslim leader must be offered sincere advice, that benefits him, the community and the entire nation. A Muslim ruler must be reminded of his duties and exhorted to remain faithful to his pledge. This is based on the directives in the Glorious Qur'an:

  ﴿**But speak to him mildly; perhaps he may take warning or fear (Allah).**﴾ (20:44)

  And the Prophet (ﷺ) said: **"The Religion is advice."** We said: For who? He said: **"For Allah and for His Book and for His Prophet and for the leaders of the Muslims and for their public".**

  The followers must support a Muslim ruler during crises. Muslims are commanded to comply with their leader/governor and not forsake him or provoke people against him in order to instigate troubles and evil. This is based on the instruction of Allah's Messenger (ﷺ),**"If a**

67 Muslim, Hadith no. 1838.

person comes to you, while a single leader is leading you, attempting to split your unity, then kill him." [68]

2. Rights of the People towards the Government

Muslims in an Islamic state have certain rights towards their government. These rights may be summarized as follows:

Absolute Justice: This entails that every person is to be given his fair treatment in the Islamic society. All individuals who are entitled for specific rights must be given their due rights. All individuals who are required to perform certain duties must be treated fairly and without any bias. Responsibilities among individuals must also be distributed justly and fairly. No individual, class or category of people, or section of the society must be given any priority or preference over the others. Allah says in the Glorious Qur'an:

> ﴿ **O you who believe! Stand out firmly for justice, as witnesses to Allâh, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allâh is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you may avoid justice, and if you distort your witness or refuse to give it, verily, Allâh is Ever Well Acquainted with what you do**﴾ (4:135)

And Allah's Messenger (ﷺ) said:

> **"The most beloved to Allah (سبحانه وتعالى) on the Day of Requital, and the closest to Him is a just ruler/governor . And the most hateful to Allah and the most distant from Him is an unjust and tyrant ruler."** [69]

Consultation: People have the right to be consulted on issues

68 Muslim, Hadith no. 1852.

69 Thirmidthi, Hadith no. 1329.

that concern their economic and social affairs. This process of consultation should be done in an ordinary form. The public must be given the opportunity to express their viewpoints and ideas concerning issues related to the Islamic community and society. Such viewpoints may be accepted if they serve public interest. Allah says in the Glorious Qur'an:

> ﴿**And by the Mercy of Allah, you dealt with them gently. And had you been severe and harsh-hearted, they would have broken away from about you; so pass over (their faults), and ask (Allah's) Forgiveness for them; and consult them in the affairs.**﴾ (3:159)

On many occasions Allah's Messenger (ﷺ), followed the advice of his companions. During the Battle of Badr one of his Companions suggested to change the site of the Muslims' fighting camp. One of the Muslims asked the Messenger during the Battle, 'O Prophet of Allah! Is this a place that Allah (ﷻ) commanded you to camp at, and we have no choice of changing it, or is it a war strategy and plan? Allah's Messenger (ﷺ) replied promptly, 'No. Rather it is my war strategy.' The man who asked, suggested, ' O Prophet of Allah! This is not the right choice of place for the fighting camp. Let us search for the closest water reservoir to our enemies and camp there. We should bury all other water resources then build a basin or a water reservoir for our party. When the battle starts we will have access to water but our enemies will not. Thus we'll be able to drink and use the available water while our enemies would not; Allah's Messenger (ﷺ) commented, **"You have certainly given the best advice."** [70]

Islamic ruling: The basis for the Islamic ruling and legal judgments is Shari'ah, Islamic law. The constitution of a Muslim State must be based on Qur'an and Sunnah, which are the agreed upon Islamic judicial sources. There should be no

70 Ibn Hisham Biography of the Prophet (ﷺ).

room for personal opinion if an authenticated text is available. Islamic law is a comprehensive system of jurisprudence including personal and family law, criminal law, national and international law, which fulfills all requirements of man in the most upright manner since it is based upon the revelations from Allah to His Messenger for the guidance of man.

Open door policy: A Muslim governor must not be aloof and distant from his people nor assign middle-men who are partial permitting some to see the governor, while preventing others. This is based on the instructions of Allah's Messenger (ﷺ):

> **"Whosoever is entrusted with leadership over Muslims' affairs, yet hides away from them and does not respond to their needs, Allah (ﷻ) would not respond to the supplications of such a governor on the Day of Requital, causing him to suffer from his own poverty and need."** [71]

Mercy for people: A Muslim ruler must be kind and merciful to his people never overburdening them beyond their abilities. He must faciltate all means for his people to live and survive in the society in the best possible manner. A Muslim governor must treat an elder man like a father, a youngster like a son and a person of equal age as a brother. A Muslim governor must be respectful to the elders, kind, merciful to the youngsters, and considerate to individuals of his age group. The Glorious Qur'an informs us about the characteristics of Allah's Messenger who was the first leader of the Muslim Nation:

> **﴾Verily, there has come unto you a Messenger (Muhammad ﷺ) from amongst yourselves. It grieves him that you should receive any injury or difficulty. He is deeply concerned about you.﴿** (9:128)

Allah's Messenger (ﷺ), also advised:

71 Abu Dawood, Hadith no. 2948.

"Those who are merciful [and kind to one another] may Allah be Merciful [and kind] to them. Be merciful to people on earth, Allah (ﷻ) will be merciful to you." [72]

Omar bin al Khattab (ﷺ) the second Muslim Caliph, was so concerned about his responsibility before Allah that once he said, 'By Allah! Had a female mule tripped in Iraq, I would be afraid that I would be asked about it by Allah (ﷻ) [on the Day of Requital]…" O Omar! Why did you not pave the way for the she mule."

3. Rights of the Neighbors

Allah (ﷻ) ordained in the Glorious Qur'an:

﴾**Worship Allah and join none with Him in worship, and do good to parents, kinsfolk, orphans, the poor, the neighbor who is near of kin, the neighbor who is a stranger, the companion by your side, the wayfarer (you meet), and those (slaves) whom your right hands possess. Verily, Allah does not like such as are proud and boastful.**﴿ (4:36)

Islam classifies neighbors into three categories, which are as follows:

A relative neighbor. This type of neighbor has three rights over you: the right of kin, the right of neighbors and the right of Islam.

A Muslim neighbor has two rights: the right of a neighbor and the right of Islam.

A non-Muslim neighbor enjoys the right of being a neighbor. Abdullah bin Omar (ﷺ), came home once and found that his family members had slaughtered a sheep. He immediately asked: 'Did you offer some of the sheep's meat as a present to

72 Abu Dawood, Hadith no. 4941 and Tirmidhi, Hadith no. 1924.

our Jewish neighbor?' for I heard Allah's Messenger (ﷺ) saying,

> **"Angel Jibreel (عليه السلام) continued to advise me to be kind to my neighbor until I thought that he was going to give him a share in inheritance."** [73]

Causing inconvenience to the neighbor is against Islam. The Prophet (ﷺ) said: **"By Allah he does not believe, by Allah he does not believe, by Allah he does not believe!"** It was said: Who O Messenger of Allah? He said: **"The one whose neighbor is not safe from his harm".**[74]

It is reported that Allah's Messenger (ﷺ) illustrated the rights of a neighbor as follows:

> **"Do you know what are the rights of a neighbor? [They are as follows], If a neighbor seeks your help, extend it to him. If a neighbor asks you for a loan, lend him [if you have it.] If your neighbor becomes poor, then help him financially and attend to his poverty if you can. If your neighbor becomes ill, then visit him [checking on his health and well-being.] If your neighbor is happy on certain gain, then congratulate him. If your neighbor is suffering a calamity, then offer him condolences. If your neighbor dies, then attend his funeral [if you can.] Do not raise your building over his building, so that he would have no sun exposure or wind passage. Do not bother your neighbor with the smell of your cooking, unless you intend to offer him some [of the cooked food]."** [75]

Even when the neighbor causes harm, good behavior is advised. A man complained to Abdullah ibn 'Abbaas: "My neighbor

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73 Tirmidthi, Hadith no. 2007.

74 Bukhari, Hadith no. 5670.

75 Tabrani, Hadith no. 1014.

harms me and curses me!" So he said to him: "He disobeyed Allah in your affair, so go and obey Allah in his affair".

4. Rights of the Friends

Friends enjoy certain rights according to Islam. This is based on the guiding directives of Allah's Messenger (ﷺ),

> **"The best companions in the sight of Allah is the one who is best to his companions and the best of neighbors in the sight of Allah is the one who is best to his neighbors."**[76]

5. Rights of the Guests

A host is obliged to honor his guest in Islam. The Prophet (ﷺ) said:

> **"Whoever believes in Allah and the Last Day, he shall honor his neighbor. And whoever believes in Allah and the Last Day, he shall honor his guest according to his right".**

The man asked: "And what is his right O Messenger of Allah?" He said:

> **"One day and one night and hospitality for three days and whatever is more than that, then it is charity on the host's part. And whoever believes in Allah and the Last Day, he shall speak good or stay quiet".**[77]

The manners of honoring the guests include warm welcome with a happy face. Similarly it is obligatory on the guest to be considerate about the host's condition and not to overburden him as the Prophet (ﷺ) said:

76 Tirmidhi no.1944 and Sahih Ibn Khuzaimah, Hadith no. 2539.
77 Bukhari, Hadith no. 5673.

"It is not allowed for a Muslim to stay with his brother until he causes him to sin".

They said: O Messenger of Allah! And how does he cause him to sin? He said:

"He stays with him and he does not have anything to offer".[78]

6. Rights of the Poor and Needy

Allah (ﷻ) praises those who spend for His cause in order to help the poor and the needy in the Islamic society. This is based on the instructions of the verse in the Glorious Qur'an:

﴾**And in their wealth is a recognized right. For the (needy) who asks and the one who is deprived.**﴿ (70:24-25)

As a matter of fact Islam regards the charity given to the poor and the needy as one of the most virtuous deeds. Moreover, Islam warns those who conceal and save up their wealth and do not spend for the cause of Allah (ﷻ). Allah says in the Qur'an:

﴾**It is not righteousness that you turn your faces towards East or West. But the righteousness is to believe in Allah and the Last Day, and the Angels, and the Book, and the Prophets, and to give of your wealth out of love for Him, to your kin and orphans and the needy and the wayfarer and those who ask, and for the ransom of slaves...**﴿ (2:177)

The ones who accumulate the wealth without giving the due right of the poor and needy as commanded by Allah, are promised by Allah that they will receive a severe punishment on the Day of Requital. Allah says in the Qur'an:

78 Muslim, Hadith no. 48.

﴾**…And those who hoard up gold and silver and do not spend in the Path of Allah then warn them of the painful torment.**﴿ (9:34)

For this reason Zakah was prescribed as one of the basic tenets of Islam. Zakah is a set percentage (2.5%) of the accumulated wealth over a period of one year. Muslims willingly offer the due amount in obedience to Allah's Commands. They pay it to the poor and the needy. Zakah is obligatory upon those who possess the appropriate amount on which Zakah is due. Allah (ﷻ) states in the Glorious Qur'an:

﴾**And they were commanded not except to worship Allah, offering Him alone sincere devotion, being true (in faith); to establish regular Prayer; and to give calculated Charity; and that is the right Religion.**﴿ (98:5)

Zakah is prescribed with the following principles and conditions:

1. The person to pay Zakah must possess '*Nisab'* (the appropriate amount as stipulated in the Islamic Shari'ah).
2. A period of one-year must pass while the owner maintains this amount in his possession. If less than a year passes, Zakah will not be required.

Islam defines the types of people who are entitled to receive Zakah. This is based on the verse in the Glorious Qur'an:

﴾**Verily alms are for the poor and the needy, and those employed to administer (the funds); for those whose hearts have been (recently) reconciled (to the truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, and Allah is All- Knower and All-Wise.**﴿ (9:60)

Islam imposes *Zakah* in order to uproot poverty from the Islamic society, treat the resulting problems stemming from

poverty such as: theft, murder, attacking people and taking their property unjustly. In addition, it revives the mutual social welfare and support among members of the Islamic society. Furthermore, Zakah is used to fulfill the needs of the needy, the destitute, and to pay the debts of those who have debts and are not able to pay their debts due to a sound and legitimate reason. Moreover, the payment of Zakah purifies one's heart, soul and wealth as well. An owner of a wealth will become less selfish and greedy when he/she pays this charity with a pure heart. The Almighty Allah states in the Glorious Qur'an:

> «**And those saved from the covetousness of their own souls; they are the ones that achieve prosperity.**» (64:16)

Zakah purifies the hearts of those who are less affluent since they will have less hatred, jealousy and bitterness against the rich and wealthy class of people of the society because they see that they are paying their just dues and the rights to their poorer brethren.

The Almighty Allah warns those who refuse to pay their due Zakah against a severe punishment. The Almighty Allah states in the Glorious Qur'an:

> «**And let not those who covetously withhold of that which Allah has bestowed on them of His Bounty (wealth) think that it is good for them. Nay, it will be worse for them; soon shall the things which they covetously withheld be tied to their necks like a twisted collar on the Day of Resurrection. To Allah belongs the heritage of the heavens and the earth; and Allah is well-acquainted with all that you do.**» (3:180)

7. Rights of the Employees/Laborers

Islam has defined a set of rules on labor and the labor force. An employer, according to Islamic teachings, must establish a just and cordial relationship with his employees and labor force. Such a relationship must be based on equality, goodwill and the

brotherhood of Islam. This is based on the Hadith of Allah's Messenger (ﷺ):

> **'Your workers and slaves are your brothers whom Allah has placed under you. Whosoever has one under him he should feed him of what he eats, clothe him of what he clothes himself, and must not burden them over their ability. But if you do burden them, then help them.'** [79]

Furthermore, Islam upholds the honor and the dignity of the workers. Allah's Messenger (ﷺ) is reported to have said,

> "**The best of income is that which results from honest labor.**" [80]

Moreover, Islam requires an employer to declare the wages to the worker before the worker embarks on the required work.'[81]

Allah's Messenger (ﷺ) has assured the rights of the worker and his wages he is going to receive. Allah's Messenger (ﷺ) is reported to have said,

> **"I am the adversary of three people on the Day of Requital: one who gave in my name and then was treacherous, one who enslaved free man and consumed the price and a man who employs a worker but does not pay him his rightful wages."**[82]

Allah's Messenger (ﷺ) has instructed the employer to pay the wages of his worker before his sweat dries out.[83]

79 Bukhari, Hadith no. 5702.

80 Musnad Ahmad, Hadith no. 8419.

81 Baihaqi and Abdul Razzaq in al-Musannaf.

82 Bukhari, Hadith no. 2114.

83 Ibn Majah, Hadith no. 2468.

8. Rights of the Employers

Islam equally requires workers to maintain good relations with their employer. Islam requires workers to fulfill their duties towards their employer to the best of their abilities and talent. Workers must not neglect or harm their employer or his work in any way. Allah's Messenger (ﷺ) is reported to have said,

> **"Allah likes a worker to be perfect in his work."** [84]

In order to encourage sincerity in work and to protect one's dignity, Islam made the earning of a laborer the best of all earnings if he were sincere in his work. The Prophet (ﷺ) said:

> **"The best earning is what is earned against the labor of the hand with sincerity".**[85]

9. Rights of Animals

All pet animals must be well fed, decently cared for and kindly treated. Allah's Messenger (ﷺ) is reported to have said,

> **"A woman was made to enter the Hell-fire because of a cat which she locked up until it died. The woman did not feed the cat, nor did she offer it water to drink, nor did she permit it to roam to eat from the insects of the earth."**[86]

Animals must not be over-loaded when hauling goods (on their backs) in such a manner that they cannot bear the load. Animals must not be tortured, hurt or beaten for any reason. Allah's Messenger (ﷺ) is reported to have said,

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84 Abu Ya'la Hadith no.4386. and Baihaqi in al-Shuáb Hadith no.5312.

85 Ahmad, Hadith no.8393.

86 Bukhari, Hadith no. 5702 and Muslim, Hadith no. 1661.

> **“Allah curses a person who burns an animal for marking and tattooing”** [87]

Islam prohibits people to set an animal as a live target. It is reported that Ibn Omar (ﷺ) passed by a group of the Quraish young-men who set a bird as an aiming target. Ibn Omar (ﷺ) asked about the person who did so and then commented, “Allah curses the person who does so.”[88]

Islam condemns people who mutilate animals after killing them.’[89]

Islam also forbids abusing or harming animals as mentioned in the Hadith reported by Ibn Mas'ood (ﷺ): ‘We were traveling in the company of Allah’s Messenger (ﷺ). He (ﷺ) went away to answer the call of nature. While he was away, we saw a female bird along with its two little babies. We took the little birds so the mother bird started hovering over us. When Allah’s Messenger (ﷺ) returned back, he noticed what we had done. He (ﷺ) asked,

> **“Who has agitated this (bird) by taking its babies, return its babies to it!” And he saw a colony of ants we had burnt so he said: “Who burnt this? We said: We did. He said: “Verily nobody should torment with the fire except the Lord of the Fire”.**[90]

Islam, furthermore, commands mercy while slaughtering animals for eating. It is not allowed to sharpen the knife in front of the animal to be slaughtered or in presence of the other animals. Nor is it permitted to kill them by breaking their necks, striking them, electrocuting etc. or start skinning them before they are completely dead. The Prophet (ﷺ) said:

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87 Bukhari, Hadith no. 2236 and Muslim, Hadith no. 2110.

88 Bukhari, Hadith no. 5196 and Muslim, Hadith no. 1958

89 Bukhari, Hadith no. 5196.

90 Abu Dawood, Hadith no. 5268.

“Verily Allah ordains that you be kind to everything. So if you kill, kill in a good manner, and if you slaughter, slaughter in a good manner. So sharpen your knife to make the slaughtering process easy and fast.”[91]

At the same time Islam commands us to kill dangerous and harmful animals and/or insects in order to protect humans from the harm of the animals because man’s life is sacred in the Sight of Allah (ﷻ) as Allah has made him the most honorable creature on the earth. Therefore, if the animals’ rights are important in the Sight of Allah (ﷻ), the rights of the human beings are more so! The Almighty Allah states in the Glorious Qur'an:

﴾**We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of Our Creation.**﴿ (17:70)

Not only this kind and just treatment is ordered to protect the animals from any cruelty but it also expiates the sins of a Muslim and becomes a reason for him being admitted into the *Jannah* (Heavenly Gardens). Allah’s Messenger (ﷺ) is reported to have said:

“While a man was on his way, he suffered from a tremendous thirst. So he found a well and descended down the well, drank his fill and came back up. At the top of the well he saw a dog panting and licking the dirt out of severe thirst. The man thought to himself, ‘this dog must be suffering from the same thirst I suffered from. So he descended down the well again, filled his shoe with water and holding the shoe with his mouth climbed back up and had the dog drink the water. Allah, the Exalted, praised him and accepted his deed (for this

91 Muslim, Hadith no. 1955.

act of mercy) and forgave him his sins.” They asked: O Messenger of Allah! Are we rewarded for what we do for animals?’ He (ﷺ) replied: **“Yes, indeed. In every living soul there is reward.”**[92]

10. Rights of Plants & Trees

Islam permits benefiting from the fruits of trees but forbids cutting them or breaking their branches without a genuine reason. On the contrary, Islam commands to preserve trees and encourages any reproduction process or activities which help in growing more trees. Allah’s Messenger (ﷺ) said,

> **“If the Hour [of the Last Day] took place while one of you is holding a palm-tree seedling [to plant in the dirt], then if he can plant it before standing up, he should do it.”**[93]

Islam considers planting of useful plants and beneficial trees as charity for which a Muslim is rewarded. Allah’s Messenger (ﷺ) said:

> **“Never a Muslim plants something or cultivates it, of which birds, human beings or animals eat, but a reward is given to him for this charity.”**[94]

11. Miscellaneous Rights

Islam regulates certain rights for roadside and public passages. Allah’s Messenger (ﷺ) is reported to have said:

> **‘Avoid sitting on roadsides [or sidewalks].’**

The Companions who were present at the time commented, ‘O Messenger of Allah! Roadsides are outlets for us where we

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92 Bukhari, Hadith no. 5663.

93 Musnad Ahmad, Hadith no. 12901.

94 Muslim, Hadith no. 2195.

can sit, enjoy and talk.' Upon hearing this comment Allah's Messenger (ﷺ) replied, **'If you cannot avoid sitting on sidewalks then give the sidewalks their due rights.'** The Companions then inquired, 'O Messenger of Allah! What are the rights of the sidewalks?' Allah's Messenger (ﷺ) replied, **"Lowering your gaze [when a female crosses or passes by], clearing the path from harmful stuff, returning the salaam [Islamic greetings], enjoining good and forbidding evil."**[95]

Allah's Messenger (ﷺ) is reported to also have said, **"Removing any harmful items of the road is a charitable act [which is rewarded and cherished by Allah.]."**[96]

Besides this, Allah's Messenger (ﷺ) is reported to have instructed, 'Fear the two acts that cause you to be cursed.' The Companions, who were present at the time, inquired: 'O Messenger of Allah! What are those acts that are the cause to be cursed?' Allah's Messenger (ﷺ) replied:

> **"The person who answers the call of nature on the public passages or in the shades where people seek rest"**[97]

In general Islam makes it obligatory on the Muslims to be considerate and caring with each other, no matter where they are. The Prophet (ﷺ) said:

> **"The similitude of the believers in their mutual care, love and kindness to one another is like one human body: if one organ aches, this prompts the entire body to become feverish and to remain awake."**[98]

And he ordered Muslims to work towards the betterment of their brother Muslims:

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95 Bukhari, Hadith no. 2121 and Muslim Hadith no. 2333.

96 Bukhari, Hadith no. 2827.

97 Muslim, Hadith no. 269.

98 Bukhari, Hadith no. 5665.

“None of you is a true believer until he loves for his Muslim brother what he loves for himself.”[99]

In the times of need, the Prophet (ﷺ) said:

The believers one to another are like a firm structure, supporting one another.” He then intertwined his fingers.[100]

Muslims are prohibited to abandon each other, as the Prophet (ﷺ) said:

“Anyone who does not support another Muslim when his sacred rights are attacked and his honor is demeaned; Allah will forsake him at a time when he needs His help. No one helps a Muslim when his honor is demeaned and his sacred rights are attacked except that Allah will help him when he would need His help”.[101]

However, if these rules or rights were not enforced, they would have remained ideals and dreams only in the minds of people. If there is no authority to enforce, they will remain only utopian ideals. It is reported that Allah’s Messenger (ﷺ) said,

"You should stop an ignorant person from doing evil. You should force such an ignorant person to enjoin good, or else, Allah (ﷻ) shall soon expedite a speedy punishment against you."[102]

The Almighty Allah therefore, in order to preserve and maintain such human rights in the Islamic society, has revealed unto His Messenger pertinent commandments. Allah (ﷻ) commands not to exceed these limits and sets punishments and laws, which are known as *Hudood* (prescribed punishments) or capital punishments. He may also impose a specific punishment in the

99 Bukhari, Hadith no. 13.

100 Bukhari, Hadith no. 5680.

101 Abu Dawood, Hadith no. 4884.

102 Abu Dawood, no.4336 and Tirmidhi no.2169.

Hereafter.

We will list below only a few of the commandments of "**Do's**" and "**Don'ts**" that Islam has ordained:

Islam bans killing or murdering any human being. Islam categorizes such an act as one of the major sins. This is based on the verse in the Glorious Qur'an:

> ﴿**Nor take life, -which Allah has made sacred-, except for just cause. And, if anyone is slain wrongfully, We have given his heir authority (to demand *Qisas* or to forgive): but let him not exceed bounds in the matter of taking life; for he is helped (by the law).**﴾ (17:33)

Islam prohibits all acts of aggression against the honor, the dignity and the privacy of people. In fact, such acts of aggression are known as major sins in Islam. The Almighty Allah states in the Glorious Qur'an:

> ﴿**Say (O Muhammad): "Come, I will recite what Allah has prohibited you from": join not anything as equal with Him; be good to your parents; kill not your children because of poverty, We provide sustenance for you and for them, come not near to shameful deeds, whether open or secret; take not life, which Allah has made sacred, except by way of justice and law: thus does He command you, that you may learn wisdom.**﴾ (6:151)

Islam, further, bans all types of actions that are categorized as shameful acts, or a means to promote indecency in a society. Therefore, all acts that lead to indecent acts are also banned in Islam. Allah, the Exalted, states in the Glorious Qur'an:

> ﴿**And come not near to unlawful sex. Verily it is a great sin, and an evil way (that leads one to Hell unless Allah forgives him).**﴾ (17:32)

Allah (ﷻ) prohibits all types of aggression against the wealth and property of others. Therefore, all forms of theft and cheating etc.

are banned in Islam. This is based on the Hadith of Allah's Messenger (ﷺ):

"Whosoever cheats us is not one of us."[103]

Usury and all monetary interest is banned in Islam for the injustice it spreads in the economic system harming all, especially the poor. Allah, the Exalted, states in the Glorious Qur'an:

﴾**That is because they say: "Trade is like usury," but Allah has permitted trade and forbidden usury.**﴿ (2:275)

Allah (ﷻ) forbids all kinds of deception and betrayals. Allah (ﷻ) states in the Glorious Qur'an:

﴾**O you who believe! Betray not the trust of Allah and the Messenger, nor misappropriate knowingly things entrusted to you.**﴿ (8:27)

Islam forbids monopoly. Allah's Messenger (ﷺ) said:

"No one monopolizes except a wrongdoer."[104]

Islam bans all types of bribery and kickbacks. As the Hadith of Allah's Messenger (ﷺ) tells us:

"May Allah (ﷻ) curse those who pay out bribes and the ones who receive it." [105]

Similar prohibitions are imposed on the devious and illegal means through which money is taken. Allah (ﷻ) states in the Glorious Qur'an:

﴾**And do not eat up one another's property among yourselves for vanities, nor use it as a bait for the judges, with intent that you may eat up wrongfully and knowingly a little of (other) people's property.**﴿ (2:188)

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103 Muslim, Hadith no. 164.

104 This Hadith is reported by Muslim no.1605.

105 Abu Dawood, no.3580 and Tirmidhi, no.1336.

Islam condemns the abuse of power, position and authority to obtain personal gains. In fact, Islam empowers the ruler to reclaim all assets taken through abusive means and deposit them into the Islamic treasury. Allah's Messenger (ﷺ) appointed a man called *Ibn-ul-Lutbiyyah*, as a Zakah collector. When the collector brought the Zakah amount, he said: This is for you (the Islamic Treasury) and this has been given to me as gifts. Allah's Messenger (ﷺ) became very upset upon hearing this from the collector. Allah's Messenger (ﷺ) said:

> **"Were he sitting in his father's or mother's house, would he have received any of these gifts? By Him in Whose hands is my soul, nobody would take anything from this except that he would be carrying it on his neck on the Day of Resurrection, even if it be a camel."** Then he raised his hands until we saw the whiteness of his armpits and said: **"O Allah! Bear witness that I have conveyed the Message three times."**[106]

Islam prohibits all forms of intoxicants that affect the minds or brains of users. It is commanded in the Glorious Qur'an:

> **﴾O you who believe! Intoxicants and gambling, (dedication to) stones, and (divination by) arrows, are an abomination of Satan's handiwork: eschew such (abomination), so that you may prosper.﴿** (5:90)

All types of injuries to a person or animal such as beating and other vices such as backbiting, tattle-telling, false testimony, etc. are also prohibited. The verse in the Glorious Qur'an warns:

> **﴾O you who believe! Avoid much suspicion, indeed some suspicions are sins, and spy not, nor backbite one another. Would any of you like to eat the flesh of his dead brother? Nay, you would abhor it. And fear Allah, for Allah is Oft-Returning, Most-Merciful.﴿** (49:12)

106 Bukhari, Hadith no. 6772 and Muslim, Hadith no. 1832.

It upholds the dignity and honor of others and forbids slandering them. The Almighty Allah states in the Glorious Qur'an:

> ﴾**And those who annoy believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin.**﴿ (33:58)

In Islam great importance is given to the privacy of a person and any type of intrusion is prohibited. Allah (ﷻ) states in the Glorious Qur'an:

> ﴾**If you find none in the house, enter not until permission is given to you; if you are asked to go back, go back: that makes for greater purity for yourselves and Allah knows all that you do.**﴿ (24:27)

Justice is one of the basics of the Religion of Islam. It is not allowed to be unjust with anyone, even to one's own self. Allah (ﷻ) commands in the Glorious Qur'an:

> ﴾**Allah commands justice, the doing of good and liberality to kith and kin, and He forbids all shameful deeds and injustice and rebellion, He admonishes you that you may take heed. So fulfill the Covenant of Allah when you have entered it, and break not your oaths after you have confirmed them, indeed, you have made Allah your surety; for Allah knows all that you do.**﴿ (16:90-91)

In addition, in a Hadith Qudsi Allah (ﷻ) says,

> **"O My slaves! I have banned injustice for Myself. I have declared injustice unlawful among you. Therefore, do not do any act of injustice to one another."**[107]

In fact, Allah (ﷻ) disapproves injustice done even to those who differ with Muslims in faith and religion. Allah (ﷻ) has

107 Muslim, Hadith no. 2577.

demanded Muslims to be kind and fair to non-Muslim residents in an Islamic State. Allah (ﷻ) states in the Glorious Qur'an:

> ﴾**Allah forbids you not with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: Verily Allah loves those who are just.**﴿ (60:8)

Islam forbids abusing the beliefs of non-Muslims, when it provokes the other party to respond with reciprocal abuse. The Allah (ﷻ) says:

> ﴾**Revile not you those whom they call upon besides Allah, lest they revile Allah out of spite in their ignorance.**﴿ (6:108)

Instead, Allah (ﷻ) instructed Muslims to use a fair and well-matured dialogue with such people: Allah (ﷻ) says:

> ﴾**Say: "O People of the Book! Come to common terms between us and you: that we worship none but Allah; that we associate no partners with Him; that we erect not, from among ourselves, Lords and patrons other than Allah. If then they turn back, say you: 'Bear witness that we are Muslims (submitting to Allah's Will).**﴿ (3:64)

Islam, further, bans all types of social, political and moral corruption and mischief. It is commanded in the Glorious Qur'an:

> ﴾**Do no mischief on the earth, after it has been set in order, but call on Him with fear and hope, for the Mercy of Allah is near to those who do good.**﴿ (7:56)

Islam forbids the conversion of non-Muslims to Islam by force. Allah (ﷻ) states in the Glorious Qur'an:

> ﴾**If it had been your Lord's Will, they would all have believed, all who are on earth! Will you then compel mankind against their will to believe!**﴿ (10:99)

This does not mean that Muslims should not call others to join the Islamic monotheistic faith by delivering the Message of Allah to people but indicates that Muslims should call to Islam in a wise, kind and comely manner. Islam has an international mission and it is neither a regional nor ethnical call. But the guidance is in the Hands of Allah (ﷻ) alone and not in the hands of people.

Islam commands people to run their governments with consultation. The principle of consultation is operative in situations where there are no clear scriptures from the Qur'an and Sunnah. Allah (ﷻ) states in the Glorious Qur'an:

﴾**...their affairs are conducted by mutual consultation…**﴿

(42:38)

Islam commands that all relative rights be given to their deserving people. Islam also calls for full justice among people. The Almighty Allah states in the Glorious Qur'an:

﴾**Allah does command you to render back your Trusts to those to whom they are due; and when you judge between man and man, that you judge with justice: verily how excellent is the teaching which He gives you! For Allah is He Who hears and sees all things.**﴿ (4:58)

Islam commands people to assist an oppressed person even with the use of force when necessary. This is based on the verse in the Glorious Qur'an, the meaning of which is translated as:

﴾**And why should you not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed)? Men, women, and children, whose cry is: Our Lord! Rescue us from this town, whose people are oppressors; and raise for us from You one who will protect; and raise for us from You one who will help!**﴿

(4:75)

Islam establishes an executive system or authority for the common good. In light of the fact that there are certain categories of people, as pointed out earlier, who will never be good without applying force against their criminal activities…this system works to assure that all individuals are enjoying their relative rights. It also works to monitor and govern the execution of such rights, to prevent any aggression, and to apply appropriate punishment against violators of the laws. The following is a summary of some of the various Islamic systems that are the components of the overall executive system:

The Judicial System in Islam

The judiciary is an independent administrative system in the Islamic government designed to resolve all types of legal disputes among various claimants. The system is structured to assure the establishment of justice among people, stop oppression, and punish the oppressors. The Islamic system follows the directives of Allah (ﷻ) and the Prophet (ﷺ) from the Qur'an and the Sunnah (traditions).

There are specific criteria for a judge applying for a position in the Islamic judicial system. The applicant must be a mature, sane, mentally capable and healthy in order to surmount the difficulties and challenges of his job. He must be well educated and informed about the Shari'ah (Islamic rulings and the principles of lawful and unlawful in Islam), as well as be well aware of mundane affairs so not to be deceived or misinformed. He should have the ability to give verdicts in both worldly and religious spheres. He must be honorable, dignified, honest and with high moral character. He should be a man of upright conduct so that his judgments are well accepted by the parties in dispute.

Islam prescribes a specific code of conduct for judges that should be observed. The following letter sent by the second Caliph, Omar bin al-Khattab (رضي الله عنه) to one of the assigned judges provides the guidelines for all Muslim judges:

> **"From the second Caliph, Omar bin al-Khattab, the slave of Allah to Abdullah bin Qais, *Assalamu Alaikum*. Judgment among [disputing] people is a precise and obligatory act that should be followed and executed properly. You should [try your best to] understand the people present before you. Furthermore, none will benefit from a right that is not executed. Give equal consideration and seating arrangements to people in your court so as an influential person may not think to take advantage because of his status. Moreover, a**

weak person will not lose hope of justice in your court. The plaintiff must present a proof of evidence. A defendant must take an oath if he rejected and denied the claim of the plaintiff. Disputing people may choose to compromise between one another. However, no compromise is acceptable if it renders an unlawful item lawful or vice versa. If you pass a judgment one day, but upon reviewing it on the next, you discover that you made a mistake and the right sentence is not what you passed as a verdict, then [reopen the case] and pass the right sentence. You should realize that returning to the right sentence and judgment is [much] better than indulging deeper in falsehood. Try to understand the confusing matters that have no text of scripture to support them either from the Qur'an or the Sunnah (way of the Prophet ﷺ) and study the resembling rulings, sentences and cases, and after obtaining the proper knowledge assess your cases. Then choose the most beloved judgment to Allah and closest to the truth in your eyes. Offer a chance to a plaintiff who claims a matter that is not currently present by setting a definite time for him to prove it. If such a plaintiff produces his proof of evidence, adjudicate the case in his favor. If not, then judge against his case. All Muslims are trustworthy insofar as the testimony is concerned except for a person who has been lashed for committing any shameful act in the Islamic society, or a person who is known for false testimonies, or a person who is either a relative or distantly related to the plaintiff. Allah (ﷻ) takes care of all hidden secrets of people and helps you [to judge] by providing evidence. Furthermore, you must not worry, become intolerant, or complain about disputing people in the rightful matters where Allah rewards you for being patient and is pleased with the results. If a person has a good and pure soul with Allah (ﷻ), Allah will [surely] improve the relations of that man with the public."[108]

108 Tirmithee, Hadith no. 3472.

Every individual in the Islamic society, regardless of his faith or religious affiliation, position or social status, has certain immutable rights, which include the following:

1. The right to seek judgment against oppressors. An individual may sue his oppressor in the judicial court.

2. The right to have an equal hearing before the judge. This is based on the Hadith of Allah's Messenger (ﷺ), instructing Ali (رضي الله عنه) when he commissioned him as a judge, saying:

> **"Surely, Allah (سبحانه وتعالى) shall guide your heart and fasten your tongue [to the truth]. When the plaintiff and the defendant sit before you, do not issue a verdict for one until you hear the statement of the other as you heard the first."** [109]

3. The right to be considered innocent unless and until proven guilty. The Messenger of Allah (ﷺ) said:

> **"If people are given [judgments] based on their claims, you will see people claiming for the blood of others and their wealth. However, the defendant must offer an oath."** [110]

And in Baihaqi's version of the tradition, it ends:

> **'The evidence must be produced by the plaintiff and an oath must be offered by the defendant.'**

4. The right that mere suspicion does not deprive the suspect from his due process of law and specific rights. For instance, a suspect must not be tortured by any means, nor subjected to violence, cruelty or hardship in order to force him to give any confession. Allah's Messenger (ﷺ) forbade this, by extension, when he said:

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109 Abu Dawood, Hadith no. 3582.

110 Bukhari, Hadith no. 1711 and Muslim, Hadith no. 4277.

"Allah (ﷻ) absolves my Ummah [nation] from the following: error, forgetfulness and whatever they are forced to do."[111]

The second caliph, Omar bin al-Khattab (رضي الله عنه) stated, **"A person would not be responsible for his confession, if you inflicted pain upon him or scared him or imprisoned him [to obtain the confession]."**[112]

5. The right that only the guilty will be punished for what is within their personal responsibility. This means that no one is to be held responsible for the faults of others. Accusation, suspicion, and punishment must be confined to the guilty person and not extended to his family members.

Allah, the Just, says in the Glorious Qur'an:

﴿**Whoever does righteous deed, benefits his own self and whoever does evil, it is against his own self and Your Lord is never unjust to His Slaves.**﴾ (41:46)

Allah's Messenger (ﷺ) said:

"No one should be taken [guilty] for the wrong doing of his brother or father."[113]

(Hisbah) Accountability System in Islam

Hisbah is the voluntary accountability system in Islam whereby a Muslim enjoins good and forbids evil to enforce the laws of *Shari'ah* and to discipline those who publicly commit sins, do shameful acts and practice immoral activities, such as selling, promoting, and trading with illegal items, monopolization of basic needs of the people, cheating and many other illegal activities. This is done to implement the command of Allah in the Glorious Qur'an:

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111 Ibn Majah, Hadith no. 2053.

112 This statement is reported by Abu Yusuf in his book al-Kharaj

113 Nisa`i, 8:53.

﴾You are the best of Peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah.﴿ (3:110)

According to this system investigators and inspectors monitor voluntarily the public law and order situation and the maintenance of public facilities to protect the individuals against physical injuries in public places.

A Muslim should fear accountability and the punishment of Allah (ﷻ). Many examples of those who proceeded before us are mentioned in the Glorious Qur'an:

﴾Curses were pronounced by the tongue of David and of Jesus, the son of Mary, on those among the Children of Israel who rejected Faith because they disobeyed and persisted in excesses. They did not forbid one another from the iniquity: evil indeed were the deeds which they did.﴿ (5:78-79)

In the light of the hadith of the Messenger of Allah (ﷺ) every individual in the Islamic society is required to take an active role in the duty of *Hisbah* according to his abilities. The Messenger of Allah (ﷺ) said:

"Whosoever from among you sees an evil act, must change [stop] it with his hand. If he cannot, he should stop it with his tongue…if he cannot then he should abhor it in his heart, and that is the weakest [level] of faith."[114]

Correcting any criminal act or vice is not allowed if this causes more harm than good and amounts to making the situation worse. One must use wisdom and discretion in enjoining good and forbidding evil.

The Messenger of Allah Muhammad (ﷺ) articulates human rights in a single eloquent sentence:

114 Muslim, Hadith no. 78.

"Truly, your blood, your wealth and your honor are sacred to one another like this sacred Day, in this sacred Month and in this sacred town." [115]

Most of the human rights mentioned in declarations fall under the above statement, which was delivered in the Farewell Pilgrimage speech of the Messenger of Allah (ﷺ) to the largest gathering of Muslims at that time. The laws and regulations of Islam were legislated to preserve and defend the rights and deal sternly with violators.

115 Bukhari, Hadith no. 105.

Islamic Declaration on Human Rights [116]

The following is a Declaration issued in Cairo about Human Rights in Islam. It is worth pointing out that the rights listed in this Declaration are only guidelines and general rules, since obligations and rights, according to Islam, are interconnected with one another as rings that support one another. The general principles and the rules of the human rights in Islam are divided into different categories and further into sub-categories. Therefore, we will only summarize since delineating the details would require a lengthy discourse. It is safe to say though that 'Islam came to preserve all the human rights and to make human beings happier in this life as well as in the Hereafter.'

I begin with the Name of Allah, the Beneficent, Most Merciful

Allah (ﷻ) states in the Glorious Qur'an:

> ﴾**O Mankind! We created you from a male and a female, and made you into nations and tribes, that you may know each other. Verily the most honorable in the Sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well-acquainted (with all things).**﴿ (49:13)

The member countries of the Islamic Congress Organization, have full faith in Allah (ﷻ) the Creator of all beings, the Grantor of all Bounties, He Who created man in the best form and shape and honored him. Allah has entrusted man to build, reform and maintain the land He created. Allah (ﷻ) entrusted man to abide by the Divine teachings and obligations and employed everything in the heaven and on the earth for the service of man.

Believing in the Message of Muhammad (ﷺ) who was commissioned with the Guidance and the True religion as a

116 Dr. Muhammad al-Zuhaili, Human Rights in Islam, p. 400.

Mercy to mankind, a liberator for all enslaved people, a destroyer of all tyrants and arrogant people. Allah's Messenger (ﷺ) declared real equality among all types of people. There is no preference for a person over another person except with piety. Allah's Messenger (ﷺ) abolished all differences between people whom the Almighty Allah created from a single soul.

Based on the pure monotheistic faith on which Islam is built, where all mankind is called and invited to worship none besides Allah (ﷻ) not to associate anything else with Allah's worship, and not to set up rivals other than Allah to be worshiped; that monotheistic belief is the one that built the real foundations of people's freedom, dignity and integrity and declared the freedom of man from the slavery of another man.

Based on what the eternal Islamic *Shari'ah* brought forth for man in terms of the preservation of the faith, religion, soul, mind, honor and progeny, and based on the comprehensiveness and moderation of the Islamic *Shari'ah* in all rulings, verdicts and sentences, where the soul and the material matter are miraculously harmonized and the heart [emotions] and the mind [intelligence] are both respected and honored.

We believe, according to Islam, that the basic rights and public freedoms are an integral part of the Islamic belief and religion. None has the right, initially, to stop them fully or partially. We also believe that none has the right either to violate these rights or ignore them. These basic rights are divine and heavenly having been revealed to the Prophets of Allah in all Scriptures. In fact, Allah (ﷻ) commissioned the last of His Prophets to mankind, Muhammad (ﷺ) who completed the missions and the Message of all previous Prophets and Messengers, with these essential rights as well. Observing these essential rights is a type of worship while neglecting such rights or infringing them is an evil act, according to Islam. Every individual is responsible, individually, to adhere to these rights. The Ummah (nation) collectively is also responsible for these rights.

Based on the above, the member countries of the Islamic Congress Organization declare the following:

- **Article One**

The entire humanity is like one big family. They are united under the banner of all being slaves to Allah (ﷻ) and they are the children of Adam (ﷺ) the Prophet. All people are equal in terms of human dignity and honor. All people are also equal in terms of responsibility. No race, color, language, sex, religious belief, political belonging, social status or any other serves as a factor that differentiates them. The true and sound belief is the only assurance and guarantees to ensure the growth of this human integrity for human integration.

The best humans are the best to all. There is no preference for one over the other except for piety [righteousness] and good deeds.

- **Article Two**

Life is a gift from Allah. It is assured for every human being. All members of the society, and all states and countries must act to protect this right against all types of aggression. No life shall be claimed without a due legal reason.

It is unlawful to use means and tools that wipe out the human race.

Maintaining and preserving human life is a legal obligation.

Man's physical safety is respected. None has the right to attack his safety. None also has the right to touch this safety without a legal reason. The state must assure this right.

- **Article Three**

While using force, or in event of armed fighting, it is illegal [unlawful] to kill those who do not partake a role in the actual fighting. Elderly people, women, children, wounded persons and the sick all have the right to be treated. The captives [prisoners of war] have the right to be fed, sheltered and

clothed. It is illegal to mutilate the bodies of the killed war victims. Prisoners of war must be exchanged. Families that are separated due to wars are entitled to reunite.

It is forbidden to cut [or pull] trees, destroy the crops and dairy animals, and destroy buildings and other civil facilities for the enemies by shelling or blowing them up, etc.

- **Article Four**

Every human being is entitled to his integrity, honor and reputation, during his life and after his death. The State and society must protect the remains and the burial places [cemeteries] of the deceased.

- **Article Five**

The family is the basic unit in the society. Marriage is the basis for building and forming a family. Men and women are entitled to marriage. No restrictions should be set to restrict them from marriage based on race, color or nationality.

The society and the state must act to remove all barriers for marriage. Further, they should attempt to make it easy and protect and care for the family.

- **Article Six**

Men and women are equal in terms of human integrity and honor. She is entitled for equal rights and duties. She is entitled for her own civil personality, financial independence and she has the right to maintain her name and surname.

Men must take care of all financial needs of their families and must provide all possible care and protection.

- **Article Seven**

Every child born has the right upon his parents, society and the state, of custody, upbringing, material care, educational care and moral attention. The fetus and the mother must also be provided special care.

Parents and guardians have the right to choose the type of up-bringing they like [or prefer] for their children. However, the interest and the future of the children must be taken into consideration in the light of moral and Shari'ah values and principles.

Parents have their own rights towards their children. Relatives also have their own rights among themselves in accordance with the Shari'ah laws and principles.

- **Article Eight**

Every individual has the right to practice his full rights in terms of all commitments. If the individual is no longer qualified to practice his rights, fully or partially, a *Wali* [guardian] must be assigned instead.

- **Article Nine**

.Education is an entitlement afforded to all and seeking it is a duty. Offering and providing education is a duty that is incumbent on the society and the state. The state must secure the means of education and assure variety of educational media to serve the interest and the welfare of the members of the society. Education should also enable man to learn about Islam (as a religion and way of life) the universe and how to utilize the materialistic means for the benefit and welfare of humanity.

Every human being is entitled to education from the various educational organizations such as the family, school, universities, the media etc. They shall offer the suitable worldly and religious education and training in an integrated and balanced fashion that strengthens his personality and his faith in the Almighty Allah and his respect to rights and duties of man.

- **Article Ten**

Man must follow and obey Islam (submission to Allah) which is the natural innate religion (revealed to all messengers of Allah). Therefore, no one has a right to force others or compel

them to do anything against their nature. Furthermore, no one has the right to exploit one's poverty, weakness or illiteracy to change his religion or to become atheist.

- **Article Eleven**

Man is born free. None has the right to enslave him, humiliate, conquer or exploit. There should be no slavery other than the slavery to the Almighty Allah. All types of colonization and imperialism are fully banned. Colonization is the worst type of slavery. Suffering people have the right to liberate themselves from colonization. Such people have the right to determine their own destiny. All other people must support the fair and just cause of fighting against all types of colonization and occupation of all types. All people have the right to preserve their independent state and personality and have the control over all natural resources.

- **Article Twelve**

Every human being has the right to move about freely by choosing the suitable residence for himself within his own country or state, or even outside his country. However, if a man is unsafe [in his country] he has the right to seek asylum to another country. The country that is providing asylum must protect such a person unless the reason of this asylum involves a punishable crime.

- **Article Thirteen**

The state and society must ensure work for every capable person. Every individual must enjoy the freedom to choose the most suitable job that guarantees his interest, and the interest of the society. A worker must enjoy his right in safety and security, and all social welfare insurance and guarantees. A worker must not be assigned to do what he is unable to do. A worker must not be forced against his will to do certain things. A worker must not be exploited or harmed. A worker, male or female, without any distinction, is entitled to fair wages. No delays should be made in the payment of wages. A worker must

enjoy [annual] vacation, promotions, incentives and other monetary items he is entitled to receive. A worker is obliged to devote his time and effort with perfection to his job. If a dispute between the worker and the employer arises, the state must intervene to resolve such dispute, remove the oppression, do justice, and force the disputing parties to take and accept the just judgment without any bias.

- **Article Fourteen**

Each individual has the right to an honest and lawful income. No monopolization of goods, cheating or any act of deception, harming himself or others and usury are allowed. In fact, all above items are legally forbidden.

- **Article Fifteen**

Each individual is entitled to lawful ownership. In addition, and individual is allowed to enjoy the rights of ownership provided no harm is caused to one's own soul or others of the society members or the society at large. [Private] Ownership is not to be removed except for public interest and for an instant and fair substitution. No wealth [or ownership] confiscation is done without a legal and lawful reason.

- **Article Sixteen**

Each individual is entitled to benefit from his actual material production, literal production, artistic production or technical production. Also, each individual is entitled to protect his literary or financial interests resulting from his production, provided that this production does not contradict the laws of Shari'ah.

- **Article Seventeen**

Each individual is entitled to live in a clean environment in terms of pollution and moral corruption. Such environment must permit the individual to morally build his character. Both the society and the state must ensure and provide this right to

the individuals.

The society and the state must provide every individual with [suitable and necessary] health care and social care by availing all public facilities, within the available means.

The state must ensure decent living conditions for the individuals and their dependents. This right encompasses boarding, decent and proper clothing, proper education, medical care and all other essential or basic needs.

- **Article Eighteen**

Each individual is entitled to life and security in the society as relates to his self, religion and faith, family honor, dignity and family members and his financial belonging.

Each individual has the right to be independent with his own affairs in terms of housing, family, finance and communications. No spying or surveillance may be maintained against anyone. No defaming is allowed to anyone. In addition, others must protect individuals against all unlawful inferences.

The privacy of houses and dwellings are insured. Entry to private homes must be with consent of their occupants. Private housing should not be demolished, confiscated or their tenants evicted without any legal reason.

- **Article Nineteen**

All individuals -the ruler and the ruled- should enjoy equal legal rights.

All individuals have access to seek judicial judgment for their complaints.

Crime and punishment are based on Shari'ah injunctions.

Every accused is innocent until proven guilty. A fair trial is necessary where all assurances are given for full self-defense.

- **Article Twenty**

No one is to be arrested or his freedom be restricted, exiled or punished without adequate legal action. Individuals must not be subjected to physical or psychological torment or any other humiliating treatment. No one may be subjected for medical experimentation without his consent, provided that it does not amount to the detriment of his health. Furthermore, it is not permitted to empower executive authority to issue exceptional laws.

- **Article Twenty-One**

It is forbidden to take any person as a hostage for any purpose and in any form.

- **Article Twenty-Two**

Each individual is entitled to express his opinion, if it does not contradict Shari'ah laws and principles.

Each individual is entitled to enjoin good and forbid evil in agreement with Shari'ah laws and principles.

Media and information are vital for the society. Media must not be exploited, or abused or used attack the dignity of the Prophets of Allah or to practice any immoral or corruptive things. In addition, all issues that cause disunity within the society, moral decay, danger or disbelief are also banned.

It is not allowed to generate national hatred or sectarianism or any other type of discrimination.

- **Article Twenty-Three**

Guardianship is a trust that must not be betrayed. This is fully forbidden to ensure the basic human rights.

Each individual is entitled to participate in the public administration of his country, either directly or indirectly. Similarly, all individuals are entitled for public offices based on Shari'ah laws and regulations.

- **Article Twenty-Four**

All rights and freedoms listed in this Declaration are comprehensible within the framework of Shari'ah laws and principles.

- **Article Twenty-Five**

Shari'ah laws and principles are the only source for the interpretation or clarification for any article of this Declaration.

Cairo, 14 Muharram, 1411 H.
Corresponding to: 5/8/1990

Accepting and determining the above stated rights is the correct path to erect a true Islamic society that maybe described as follows: [117]

A society which is developed on the concept of justice…no one is superior on the basis of origin, race, color or language. Man must be safe against suppression, oppression, humiliation and slavery. Allah, the Creator of all the creation has honored man over all his creation:

> 《**We have honored the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favors, above a great part of Our Creation.**》 (17:70)

A society, the roots of which are in a strong family system, serves as its nucleus and basis. It provides stability and progress. Allah says in the Glorious Qur'an:

117 The following are adapted from The Islamic International Declaration for Human Rights.

﴾O people, verily we created you from a male and a female….﴿

A society where the governor and the governed are equal before Shari'ah (Islamic jurisprudence). Since the Shari'ah is divinely ordained, no discrimination is allowed in such a society.

A society in which authority and power are a trust, which the ruler assumes to attain goals within the framework of Shari'ah.

A society in which every individual believes that the Almighty Allah is the true Owner of the entire creation and everything in His creation is employed for the benefit of all the creatures of Allah (ﷻ). All that we have is a gift and grant from Allah without one having a better right over another. The Almighty Allah states in the Glorious Qur'an:

﴾And He has subjected to you all that is in the heavens and all that is in the earth; it is all as a favor and kindness from Him…﴿ (45:13)

A society in which all policies governing public affairs are based on the principle of consultation. The Almighty Allah states in the Glorious Qur'an:

﴾Those who listen to their Lord, and establish regular prayer; who (conduct) their affairs by mutual consultation; who spend out of what We bestow on them for sustenance.﴿ (42:38)

A society which grants equal opportunities to all individuals according to their skills and potential. Such individuals will be accountable before their *Ummah* (nation) about their performance in this world and before their Creator in the Hereafter. Allah's Messenger (ﷺ) said:

"Each one of you is a shepherd and is responsible for those under his care. A leader is a shepherd, and is responsible for his citizens. A man is a shepherd of his family, and he is responsible for them. A woman is a

shepherd in her husband's home, and she is responsible for whatever is under her care. A servant is a shepherd of his master's wealth, and he is responsible for whatever is under his care. Each one of you is a shepherd and each one of you is responsible for whatever is under his care.”[118]

It is a society, in which, both the ruler and the ruled stand equally in judicial courts during the judicial procedures.

It is a society where every person reflects the consciousness of the *Ummah* (nation). Each individual has a right to file a legal suit against any criminal who commited a crime against the general population. He may also solicit the support of others in this process and it is an obligation on all the witnesses of the crime to help him and not to shy away during the proceedings for justice.

The characteristics of human rights in Shari’ah (Islamic Jurisprudence) are as follows:

a. Human rights according to Islamic Shari’ah are Divine. These do not stem from other human beings who are influenced by whims, desires, interests and personal ambitions.

b. Human rights are correlated with the Islamic faith and belief. They are protected and preserved by Divine judgment. Therefore, any violation of these rights is, in the first place, a violation against the Divine Will of Allah, and entails punishment in the Hereafter, as well as worldly punishment.

c. These human rights are comprehensive and commensurate to the nature of human beings. They agree with human innateness and coincide with his weakness, power, poverty or richness, dignity and humiliation.

118 Bukhari, Hadith no. 853 and Muslim, Hadith no. 1829

d. These human rights are applicable to each person under the Islamic jurisdiction, regardless of color, race, religion, language or social status.

e. These human rights are constant. These are not adaptable at any time or place and under any condition or circumstances. Neither individuals nor society can alter these human rights.

f. These rights are sufficient to establish a society that grants its individuals a decent and honorable life. These rights are a mercy from the Almighty Allah, the Lord of all worlds and they are for the entire humanity at large. Human rights also serve to preserve political, social, moral and economic rights of humanity.

g. Human rights, however, are restricted and not absolute. These rights are compatible with the basic Shari'ah laws and principles. They are not detrimental to the interest of the society and its welfare. For instance, the freedom of opinion and speech is guaranteed for every individual. All individuals are entitled to speak out and speak up saying the truth without hesitation. All have the right to provide and offer a reasonable advice to others, so long as this advice is in the public's interests. Advice may be given in the spheres of worldly affairs or religious affairs alike. There are certain restrictions, however, that must not be exceeded…otherwise it will result in a chaotic situation in the society. The following are some of these restrictions:

- **This freedom for an objective dialogue should be based on wisdom and good advice. The Almighty Allah states in the Glorious Qur'an:**

﴾Invite (all) to the way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for your Lord knows best,

who have strayed from His Path, and who receive guidance.﴾ (16:125)

- Adhere at all cost to the essential principles of Islamic faith such as the belief in the existence of Allah, the reality of the Message of Allah's Messenger (ﷺ) and all other related issues.

- Avoiding the use of such freedom in any way that is offensive to others…regardless whether the offense is worldly or religious, such as defaming people, scandalizing them and revealing their secrets. Such unlawful acts will spread harm and evil among people in the Islamic society or any other society per se. The Almighty Allah states in the Glorious Qur'an:

  ﴿Those who love (to see) scandal published/ broadcast among the believers, will have a grievous penalty in this life and in the Hereafter: Allah knows, and you know not.﴾ (24:19)

Misconceptions on Human Rights in Islam

The following are some of the noteworthy misconceptions about the religion of Islam and it's principles of human rights. One should note that most of the accusations against Islam could be directed to the Jewish, Christian and other religions as well, since they have religious codes that are deemed unacceptable by modern secular systems of life. Our clarification here is only of Islamic principles since Islam is absolved and free from the falsehoods and injustices perpetrated in the name of other religions that have played the major role in the backlash leading to modern secularism. There has never been any conflict in Islam between religion and rational science and development of civilization within the framework of faith in the Creator, His Messengers, and His revealed Law.

- ## First Misconception:

Some claim that the Islamic Law is restrictive of essential liberties and incompatible to the advanced civilizations of the world with modern concepts of human rights.

Reply to the Misconception about Shari'ah (Islamic Law)

Part of this widely propagated misconception has been addressed in the foreword. We note here that Muslims believe that the Islamic Law is a complete and comprehensive code of life, fully adaptable and suitable in its principles and laws for every age, location and people. True liberty is liberty from subservience to oppression whether it comes from one's own selfish desires or of a ruling oligarchy or hierarchy. The worst subservience is to worship others besides the One Lord, Creator and Sustainer of man. Islam does not accept the liberty of the libertine who thinks he may do whatever he desires no matter what. Islam is not only a religion of the spiritual bond between a person and his Lord and Creator, but includes temporal and worldly commandments from Allah, the Wise for all aspects of

life. Islam organizes the relationship between man and His Creator as well as the relationships between man and his society and other peoples and nations. Unlike Judaism Islam is universal and is not limited for a specific race of people. Although Christians claim universality, they apparently have digressed from the path which was revealed unto Jesus (ﷺ) who said that, as reported by Christians:

> **"I am not sent but unto the lost sheep of the house of Israel."**[119]

Jesus (ﷺ) also is reported to have said to his twelve disciples, who were selected to match the twelve Jewish tribes,

> **"To these twelve, Jesus sent forth, and commanded them, saying, go not into the way of the Gentiles, and into any city of the Samaritans enter not. But go rather to the lost sheep of the house of Israel."**[120]

The Prophet of Islam (ﷺ) has been sent as a mercy for all mankind. Allah the Exalted states in the Glorious Qur'an:

> **﴾We did not send you but as a mercy for all creatures [worlds].﴿** (21:107)

The Islamic Shari'ah has two aspects. One aspect includes faith, belief, various acts of worship and the laws that are constant, never subject to any changes regardless of differences of time or place. For instance, Salah (prayer) in Islam is a ritual that has standard specifications: recitations from the Majestic Qur'an, bowings and prostrations, whether in Nigeria or Arabia or Indonesia. Similarly, Zakah (obligatory charity) has standardized and unalterable rates and amounts for various categories of wealth. Laws of inheritance are set and no one in the society has the right to modify them for some advantage of his or out of spite.. These permanent laws reinforce the

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119 Matthew 15:24.

120 Matthew 10:5-6.

underlying equality between all men since they are basically the same wherever they live. The second aspect of the Islamic Shari'ah are laws, especially those that regulate the relationship of man with his fellow man and other people and nations, which are in a general form wherein the details are left to be adapted according to the needs that arise in the constantly changing conditions of the society. Such rules and regulations maybe amended, altered and adapted within a general framework. These changes or modifications, however, are to be supervised by specialists and jurists who understand well the principles of Islamic law and all developments in the current society. The principle of consultation, (*Shura*), for instance is one example. This principle is mentioned in the Majestic Qur'an in a general form without giving detail to the mechanics. No binding information was given in the Qur'an that explains exactly how to apply, execute and implement *Shura* in the Islamic society, although the Sunnah (Way) of the Prophet (ﷺ) does give some guidance. This trait of adaptability allows the Islamic scholars to interpret the details of *Shura* to serve the requirements of every age and place. What is applicable for one generation or society can be made applicable for another with minor alterations according to the need of the time. This flexibility illustrates the validity, comprehensiveness, and universal scope of Islam.

- ## Second Misconception:

Some who do not know basic truths about Islam; whether, pseudo scholars, Orientalists or enemies of Islam, claim that Islam does not respect the legal rights of non-Muslims in the Islamic State.

Reply to the Misconception about Rights of non-Muslims

The Islamic Shari'ah provides a different set of obligations and rights of the non-Muslim residents in the Islamic society. It may

be sufficient in rebuttal of this misconception to quote the general ruling mentioned in the books of Islamic jurisprudence: “The non-Muslims are entitled to that which Muslims are entitled. They are also obligated to do that which Muslims are obligated.” This is the general rule and from it emanates the just and equitable laws giving the non-Muslim residents in an Islamic State; their rights to security, private property, religious observance, etc.

Islam permits religious discussions and dialogues with non-Muslims, commanding Muslims to adhere to the best methodology in any discussions and dialogues with the non-Muslims. Allah the Exalted and Majestic states in the Glorious Qur'an:

> ﴾**And dispute you not with the People of the Book, except with means better (than mere disputation), unless it be with those of them who inflict wrong; but say, ‘We believe in the Revelation which has come down to us and in that which came down to you; our God and your God is One; and it is to Him we bow (as Muslims).**﴿ (29:46)

Allah (ﷻ) addresses those of other faiths and religions, saying in the Qur'an:

> ﴾**Say: ‘Do you see what it is that you invoke besides Allah? Show me what it is they have created on earth, or have they a share in the heavens? Bring me a Book (revealed) before this, or any remnant of knowledge (you may have), if you are telling the truth!**﴿ (46:4)

Islam forbids forceful measures to convert people from other faiths, as stated in the verse of the Qur'an:

> ﴾**If it had been your Lord's will, they would all have believed, all who are on earth! Will you then compel mankind, against their will, to believe?**﴿ (10:99)

Both the Qur'an and the Sunnah, (prophetic traditions of the Prophet (ﷺ) illustrate that freedom of religion is available to

members of the society under Islamic Shari'ah. Muslim history has numerous examples of the tolerance shown to non-Muslim subjects, while many other societies were intolerant towards Muslims and even their own people.

Muslims must deal justly with all other humans who have not begun any hostilities with the Muslims. Allah states in the Glorious Qur'an:

> ﴾**Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loves those who are just.**﴿ (60:8)

Those who wage war against Islam, show enmity and force the Muslims into exile, have a different treatment according to Islam. Allah the Exalted states in the Glorious Qur'an:

> ﴾**It is only as regards those who fought against you on account of religion, and have driven you out of your homes, and helped to drive you out, that Allah forbids you to befriend them. And whosoever will befriend them, then such are the cruel people (those who disobey Allah).**﴿ (60:9)

Interactions between Muslims and non-Muslims are based on cordial and just manners. Commercial transactions are permitted with resident and non-resident non-Muslims of the Islamic society. A Muslim may eat the food of Jews and Christians. A male Muslim may marry a Jewish or a Christian woman as will be explained below. We must remember that Islam gives special attention and importance on raising a family. Allah the Sublime states in the Glorious Qur'an:

> ﴾**This day are (all) things Good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them. [Lawful unto you in marriage] are [not only] chaste women who are Believers, but chaste women among the People of the**

Book, revealed before your time, when you give them their due dowry, and desire chastity, not lewdness, nor secret intrigues. If anyone rejects faith, fruitless is his work, and in the Hereafter he will be in the ranks of those who have lost [all spiritual good].﴾ (5:5)

- **Third Misconception:**

Some claim that the Islamic punishments (*Hudood*) are cruel and barbaric, and transgress human rights.

Reply to the Misconception about Hudud (Prescribed Punishments)

All societies have a system of punishment for serious criminal offences. The modern system uses prolonged prison terms, but many criminal and social science experts have observed that jail time is not a successful deterrent, and that it most often leaves a sense of loss and uselessness for the criminal, and general maliciousness towards the system perceived as unjust. Also the victims often do not believe that true justice has been served. Many controversies exist about appropriate terms and sentencing. Not to mention the expenses in maintenance of a huge system of prisons and related facilities.

To begin, we must mention that the system of criminal punishments in Islam is part and parcel of the entire just and equitable Islamic system of life, which allows equal opportunity and provides for the welfare of all the citizens, not leaving any pretext for criminal activity.

Crime in Islam is divided into two categories:

1) Crimes that have prescribed punishments according to Shari'ah laws. These crimes include apostasy and blasphemy, murder and manslaughter, assault, fornication and adultery, robbery, theft, drinking alcohol and intoxicants, false accusation of adultery or other immoral acts, aggression against people, etc.

2) Crimes that do not have a definite punishment according to Shari'ah laws. The legal authority sets the punishments for such crimes according to the public interest of Muslims and the Islamic society. These types of punishments are known as "*Ta'zeer*" (reprimands).

Crimes that have a definite punishment according to Shari'ah laws are further divisible into two categories. The first category refers to that which involves the victim's personal rights, such as murder, manslaughter, assault and slander. The punishments of these offenses maybe reduced if the plaintiff drops the charges, or he may accept the blood money in cases of murder, manslaughter, and assault. The second category refers to punishments for violating the Commands of Allah and other prescribed Shari'ah injunctions. These crimes include drinking alcohol, fornication and theft. Penalties for such crimes once brought before the authorities and confirmed, cannot be dropped even if the plaintiff drops the charges.

The rules in application of the *Hudood*, (capital and corporal punishments) of the Islamic Shari'ah are to ensure justice. For instance, these punishments are applicable only for crimes committed seriously violating the five essential necessities of human life (religion, life, mind, honor and progeny and wealth). They are only applicable upon a competent and sane adult confirmed by confession or trustworthy and competent testimony. The punishments may be dropped in case of suspicion or insufficient evidence of the crime, as it is reported from the traditions:

> **"Stop the *Hudood*, punishment when there are suspicions (about evidence and mitigating circumstances)."** [121]

121 Reported by Dthahabi and others with an unreliable chain of narrators, and more probably it is the saying of Abdullah ibn Mas'ood (ﷺ) as al-Baihaqi mentioned.

The objective of executing these harsh punishments is to teach exemplary lessons to the criminal elements of the society. They act as proven and successful deterrents against the temptations towards committing criminal acts, and therefore protect the rights of all individuals consequently; the entire society enjoys peace and security. For example, if someone knows that he may be struck with the same force cutting the skin and breaking the bone in return for his crime, would he be inclined to go ahead with his assault?

In addition to the worldly temporal penalties, criminals are also advised to beware of the eternal punishment of Allah in the Hereafter for committing crimes. All individuals in the Islamic society who break the laws and Islamic regulations would be subjected to such severe penalties. There are certain individuals in every human society who would not be disciplined except with corporeal punishments. We notice that Islam determines a suitable penalty for every crime because Allah the Wise and Omniscient knows intimately all realities about the human soul and various types of His creatures.

Hiraabah includes highway robbery, killing as a result of robbery, breaking into residential or commercial areas with weapons and intimidating innocent residents with weapons. It literally means waging warfare within the society.

The stipulated punishment for *Hiraabah* is based on the verse of the Qur'an:

> ﴾**The punishment of those who wage war against Allah and His Messenger, and strive with might for mischief through the land is: execution or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a grievous punishment is theirs in the Hereafter; Except**

> **for those who repent before they fall into your power: in that case, know that Allah is Oft-Forgiving, Most Merciful.**》 (5:33-34)

This punishment is applied variously according to the nature and intensity of the crime, with leeway for the authority to apply the punishment to suit the crime. If the robber kills and seizes the money, the punishment may be killing and crucifixion. If he takes money and threatens but does not kill or assault, the punishment may be amputation of his hand and leg. If he kills the victim but does not take his money, he may be executed as in murder. If he frightens innocent residents but does not kill any of them, he may be exiled, which is actually imprisonment according to some scholars.

Murder and manslaughter: The punishment of *Qisas* (execution) is legislated for premeditated murder as a just and suitable penalty for taking life unjustly. *Qisas* acts as a successful deterrent to prevent murder. Allah the Exalted says in the Glorious Qur'an:

> 《**O you who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, and the woman for the woman…**》 (2:178)

If the family of the victim pardons the killer, the capital punishment will be dropped. If they accept the blood money, the punishment is also dropped. Allah says in the Glorious Qur'an:

> 《**But if any remission is made by the brother of the slain [his heir or guardian], then grant any reasonable demand, and compensate him with handsome gratitude.**》 (2:178)

Robbery and Theft: Allah (ﷻ) set the penalty of cutting the hand as a penalty for theft. This is based on the verse in the Glorious Qur'an:

> ﴾**As to the thief, male or female, cut off his or her hands; a punishment by way of example from Allah for their crime: and Allah is Exalted in Power. Full of Wisdom.**﴿
>
> (5:38)

The amputation of the hand is based on very specific conditions and circumstances. First, the item stolen must be over the set limit of value. Second, the stolen item must be under proper protection. Third, if the accusation of theft is only a suspicion, or if the reason for theft is hunger due to acute poverty, in such a case the hand of the thief will not be amputated and his case for welfare and assistance will be assessed. Theft is a very serious crime which if left without proper punishment may become a widespread phenomenon threatening the social and economic life of the community. Thieves may confront resistance, prompting them to commit other crimes like manslaughter and assault. If a thief realizes that his hand would be cut off because of his theft, he will definitely either hesitate or desist from his crime

Fornication and adultery: Islam prescribes the punishment of flogging for those that have never been previously married and are guilty of fornication. Allah commands in the Glorious Qur'an:

> ﴾**The woman and the man guilty of fornication flog each of them with a hundred lashes: let not compassion move you in their case in a matter prescribed by Allah, if you believe in Allah and the Last Day: and let a party of the believers witness their punishment.**﴿ (24:2)

As for the previously married male or female who commit adultery, the punishment applied to them is stoning to death.

This punishment is only applicable and executed when specific conditions are met. A married male or female is stoned to death in either of the following two cases: confession or the testimony of four eyewitnesses. Open and clear confession entails that no compulsion or force is exerted to obtain a confession. The sentence is not executed after the first admission of guilt. The confession will become effective only if it is repeated four times or in four different meetings or court sessions. The judge may say something to the effect, 'It could be that you just kissed, hugged and touched without penetration. This is to leave the door wide open for withdrawal of the original confession. This practice is based on the Sunnah of the Prophet (ﷺ) when the various confessors insisted repeatedly that they had actually committed adultery, and when one was proved pregnant as a result.

The second situation requires four just witnesses. These four just and fair witnesses must be known as truthful in their statements and conduct. The four witnesses must confirm observation of the actual intercourse directly, meaning that the four witnesses testify that they actually saw penetration of the male's penis into the female's vagina. Such a situation is truly rare and only observed when the two parties are openly committing such an illegal act of indulgence, showing no respect to the laws, honor and dignity of the society. Adultery and fornication (from a purely Islamic perspective) are not considered, as in secular law, to be merely a personal prerogative and private affair. It is considered an infringement on the rights of the society (especially honor of the family of the woman) because there are many harmful effects and consequences. It demoralizes the social values and principles of the society in general. It leads to the spread of venereal diseases. It leads to abortion. It leads to illegitimate children without proper care from parents. Mixing of the lineage occurs when a child is attributed to a person other than his real father. A child maybe deprived of the honor of being attributed to his

real father. It causes problems in inheritance whereby those who are not entitled to inheritance may become heirs and those who are entitled may not get any of the inheritance. Furthermore, a person may even marry out of ignorance someone permanently forbidden to him to marry, such as a sister, a niece or an aunt, etc. It is truly a crime to these innocent children to deprive them of the guardianship of parents and family as well as an honorable identity, which may lead to physiological and social illness and instability. For a child a mother and father are essential for peace of mind, shelter, security, support and happiness.

Slander: Public flogging is the prescribed punishment for false accusation of fornication or adultery. Allah the Almighty states in the Glorious Qur'an:

> ﴾**And those who slander chaste women, and produce not four witnesses, (to support their allegations), flog them with eighty lashes; and reject their evidence ever after: such are wicked transgressors.**﴿ (24:4)

The purpose of establishing and executing this punishment is to protect the honor and reputation of the innocent. Unpunished false accusation is a vice that generates retaliatory behavior, vengeance and even assault or murder. The Islamic Shari'ah prescribes this severe punishment against the offender if he does not produce confirmed evidence as a proven deterrent to eradicate this from the society. Islam does not stop at the physical punishment for this crime but requires that the future testimony of someone confirmed for false accusation is not to be accepted since he or she is a confirmed liar. If the slanderer fully repents to Allah (ﷻ) and improves his entire behavior, then the situation may be reviewed.

Intoxicants Man is free to eat and drink of the wholesome legal food and drink within the confines set forth by Allah (ﷻ). All types of intoxicants are prohibited since not only that they harm the person's body, mind and family but also harm the moral

fabric of the society at large. Intoxicants are called, 'the mother of all evils or vices' because they lead to other sins. Islam sets the punishment of flogging for public intoxication and traffickers. Lashing is the prescribed punishment in Islam in order to eradicate the use of such harmful substances and ensure the protection of wealth, and mental and physical health. Some of the negative effects and the consequences resulting from the abuse of alcohol and drugs include the tendency towards other crimes like murder, assault, fornication, adultery, rape and incest under influence of the abused substances. An alcoholic or drug addict becomes a useless member in the society, unable to hold productive employment. An addict may do any immoral act to get the illegal drugs by stealing or committing a crime. Serious health hazards and epidemics may be caused by alcohol and drug addiction, as substantiated by medical and labor studies. Much wealth, resources and time is wasted with serious harms to the community and the society in general. Since the alcoholic or addict temporarily loses his mind, under the drugs or alcoholic influence he may become criminally dangerous, a situation Islam does not tolerate.

All the above punishments in Islam are to preserve human rights and dignity of law-abiding citizens and they are a demonstration and illustration of the absolute divine wisdom and justice. A general ruling in Shari'ah is that the punishments should be commensurate to the size and type of the sin. For instance Allah states in the Glorious Qur'an:

> ﴾**The recompense for an injury is an injury equal thereto (in degree).**﴿ (42:40)

Allah also states in the Glorious Qur'an:

> ﴾**And if you punish then punish them with the like of that with which you were afflicted. But if you endure patiently, verily, it is better for the patient ones.**﴿ (16:126)

The just punishment of the crime is an equal measure, but as a mercy Islam leaves the door open for either acceptance of blood money as a compensation or pardon and forgiveness insofar as the personal rights and injuries are concerned. Allah explains in the Qur'an:

> ﴾**And We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it shall be for him expiation. And whosoever does not judge by that which God has revealed, such are the *Dhâlimûn* (polytheists and wrong-doers -- of a lesser degree).**﴿ (5:45)

Pardoning is encouraged as Allah the Most Merciful states in the Glorious Qur'an in one case:

> ﴾**Let them forgive and overlook, do you not wish that Allah should forgive you? For Allah is Oft-Forgiving, Most Merciful.**﴿ (24:22)

And Allah the Most Forgiving says in the Glorious Qur'an:

> ﴾**But if a person forgives and makes reconciliation, his reward is due from Allah.**﴿ (42:40)

Islam does not aim to retaliate from a sinner nor imposes severe punishment just for the sake of being harsh and severe. The objective of the punishment is to protect human rights and preserve respect for law and order through strict justice and exemplary deterrents. The overall aim is to maintain the peace and tranquility and to warn everyone to think twice before he or she begins to commit their evil crime. If a murderer realizes that he will be killed for killing a person, and a thief realizes that his hand is going to be cut off for his theft, and a fornicator realizes that he is going to be lashed publicly, and an adulterer realizes that he is going to be stoned, and a slanderer realizes that he is going to be also lashed publicly, they will all think seriously before they commit their intended crimes. The fear of the

punishment holds the perpetrator back from the crime and consequently the society becomes more secure, safe and peaceful. The Almighty Allah states in the Glorious Qur'an:

> **﴾And there is (a saving of) life for you in *Al-Qisâs* (the Law of Equality in punishment), O men of understanding, that you may become *Al-Muttaqûn*.﴿**

(2:179)

The answer to the objection that these stipulated punishments in Islam are exceptionally cruel is simple. Since all agree that crimes are extremely harmful to the society, that strict measures must be taken to counter them, and that the people who commit them must be punished, the only problem remains in determining the best, most just and effective punishments for reducing the crime rate. This entails a comparison between Islamic law and the man-made secular laws, between the punishments mentioned above and the system of lengthy terms of imprisonment with all their negative consequences on the victims, criminals and the society in general. Islamic punishments are just, easy, universal, practical and logical when examined closely because they give the criminal the exact taste of the pain he inflicted on the victim and against the moral basis of the society. Allah knows best His creation and what is truly the just punishment and effective deterrent to crime. Logic and justice demand significant recognition of the rights of the victims. Their rights should not be made insignificant through being lenient to the criminals. A cancerous organ must be removed if it cannot be cured, as is the case with the physical body in order to save the rest of the entire body.

It may be noted that often the media propagates a distorted image about Islam, Muslim society, and the Shari'ah law. By this propaganda one may think that Islamic punishments are applied and executed on a daily basis. The truth is that throughout the Islamic history the instances where the punishment of execution, stoning to death and amputation, were

recorded and applied are not many. For instance the cases of stoning were rare and usually based on the request of the sinners who confessed their crimes and expressed their desire to receive the punishment in order to purify themselves from the sin they committed, in this world and meet Allah sinless in the Hereafter. The case with the other punishments is similar.

- **Fourth Misconception:**

Many claim that the punishment prescribed in Islam for apostasy is a violation against human rights. The modern concept of human rights ensures freedom of religion to all people. This punishment, they claim, contradicts what Allah the Exalted and Almighty said in the Glorious Qur'an:

> ﴾**Let there be no compulsion in religion.**﴿ (2:256)

Reply to the Misconception about Apostasy

Islamic Shari'ah decrees execution for the person who apostatizes after accepting Islam as a way of life, and rejects Islamic beliefs and laws. The well known tradition of the Prophet (ﷺ) states,

> **"The blood of a Muslim may not be legally spilt other than in one of three (instances): the married person who commits adultery; a life for a life; and one who forsakes his religion (of Islam) and abandons the community."** [122]

The Prophet (ﷺ) also said:

> **"Whosoever changes his religion (of Islam) kill him."**[123]

Rejecting Islam as a way of life after its acceptance implies malicious propaganda against Islam and a disgrace to the immediate Muslim community where the apostate lives. Such

122 Reported by Bukhari no. 6935 and Muslim no. 6524.

123 Reported by Bukhari no.2854.

rejection will not only discourage people from accepting Islam as a way of life, but will encourage all varieties of criminality and blasphemy. The example of rejecting Islam indicates that the person who joined it was only testing it, but was not serious about his commitment to this way of life. Therefore, this rejection will tend to attack Islam and attempt to rebel from within. Therefore, such a punishment was prescribed, Allah (ﷻ) knows best.

Declaring general disbelief and rejection is unacceptable in Islamic Shari'ah because such a person does not honor the sacred commitment to his or her faith. He is more dangerous and worse than an original non-believer who never was a Muslim. Allah states in the Glorious Qur'an:

> ﴿**Those who believe, then reject Faith, then believe (again) and (again) reject Faith, and go on increasing in disbelief, Allah will not forgive them nor guide them on the way.**﴾ (4:137)

We should take the following points into consideration concerning apostates from Islam.

The killing of an apostate from the Islamic faith implies that such a person has violated the basis of Islam and attacked Islam openly and publicly with treachery and blasphemy. As such, he threatens the very basis of the moral and social order. This treachery may precipitate the beginning of internal revolution and dangerous rebellion within the Islamic society. This kind of crime is the most serious in any society, and therefore is called 'High Treason'. A convicted apostate is given a chance for three consecutive days to return to the fold of Islam. Qualified Islamic scholars sit with him and explain to him the major sin he is committing, against his own soul, his family, and the community, and to remove whatever misconceptions he had been subjected to. If this person returns to the fold of Islam he will be let free without punishment. Execution of such an apostate is, in reality, a salvation for the

rest of the society members from the maliciousness and violence he would spread if left to propagate his disbelief and blasphemy among the other members of the society. If such a person confines his disbelief and apostasy to himself, and does not proclaim and propagate it, he is left to Allah (ﷻ) and the punishments of the hereafter. Allah (ﷻ) knows best who believes and who rejects faith, who is sincere and who is a hypocrite. Muslim authorities only base their judgments and sentences upon open external matters and leave the internal realties to Allah (ﷻ).

On the other hand, this ruling illustrates that the acceptance or rejection of Islam is a very serious matter. Any potential convert must take time to study, research, evaluate and examine all the aspects of Islam as a way of life prior to joining it and committing to its rules and regulations. Such a severe punishment will not give any slim chance to those who would like to play around, experiment with Islam, and act treacherously in the ultimate treason.

Islam does not treat rejection of the faith as a personal matter but rather a rejection that harms the entire system. This rejection is a seed of internal revolution and instigation towards rebellion in the society. Islam does not condone that which leads to mischief and confusion in the society.

This law for apostasy in Islam is somewhat similar and yet more moderate than many modern political systems which treat any activities to overthrow an existing regime or government as illegal and ultimate treason, punishable by execution, exile, imprisonment and confiscation of personal wealth of these individuals. Even the relatives of such persons are often subjected to the harassment and punishment. Islam only punishes the apostate himself with the simple, direct and very effective deterrent.

- **Fifth Misconception:**

Some claim that the prohibition of a female Muslim to marry a non-Muslim is an infringement against her human rights and her personal freedom, which is permitted in the modern secular law; any individual may marry whomsoever they desire. It is important to note here that the Muslim male is *also* prohibited from marrying a polytheist such as a Hindu or Buddhist women. Is this then an infringement against his human rights and personal freedom? Clearly the answer to this question and the aforementioned misconception is that these prohibitions do not in any way infringe on the human rights of either the male or the female in Islam, as will be explained below; rather it is to ensure the harmony of the marriage.

Reply to the Misconception about Marriage to a non-Muslim[124]

The Islamic rationale behind this restriction is for her protection and for the preservation of the family values and nucleus family unit. Most modern secular laws permit any and all sexual relations between consenting adults, even homosexuality. All this is unacceptable in Islam since sexual relations are only allowed through legal and honorable marriage between a male and a female. Since Islam seeks all means to protect the morality of the human race and guard the family unit against dissolution by divorce, the potential spouse is encouraged to seek harmony, security, and compatibility with the one chosen for marriage, for personal happiness, and for the success of the future family and generation. Anything that would be a cause for serious potential conflict would be a reason for not allowing the marriage. Difference in religion between the two spouses is naturally a known potential cause. The following three possible cases exist:

124 Quoted with paraphrasing from Symposium on Islamic Shari'ah and Human Rights in Islam, Beirut, Dar-al-Kitab-al-Lebnani, 1973.

1st Case: A Muslim male is prohibited from marrying a polytheist, idolater or atheist female because the Islamic Faith does not condone or respect polytheism, blasphemy and idolatry. Islam prohibits the marriage where a spouse will not show consideration to the primary principles of other spouse. The entire family in this case would be in a continuous dispute and confusion. Such a problematic marriage most likely would end up in divorce leading to the dissolution of an existing family, affecting the children of the family the most.

2nd Case: A male Muslim is allowed to marry a Christian or a Jewess because Islam accepts Moses and Jesus, may Allah exalt their mention and render them safe from every derogatory thing, as true Prophets and Messengers from Allah (ﷻ). Regardless of certain differences in some principles of faith, belief and religion, the marriage does not have the problematic nature mentioned above, and may continue and prosper if all other factors are satisfactory between the two spouses, God willing.

3rd Case: Islam bans the marriage of a non-Muslim man with a Muslim female because a Jew, Christian or polytheist denies the Message of Muhammad (ﷺ) and his prophet-hood. By natural and historical precedent, men dominate women. A non-Muslim husband may possibly take advantage of his strength and dominance, and demonstrate in the private confines of the home disrespect to the wife's Islamic faith and principles. He may talk with derogatory language about the Prophet (ﷺ) and Islam, a situation that would cause intense hatred and problems between the two spouses. Naturally this will lead to a dispute between the two spouses, or tempt her from her faith. If she defends her faith vigorously, this may lead to unjust subjugation and physical violence against her person. As the weaker sex, she may accept this dire situation of maltreatment and suffering to protect herself and her children. Islam bans this kind of marriage that inevitably leads to maltreatment, conflict, severe trials, or near certain divorce for those concerned, similar to the

first case. This third case, in summary, is the worst-case scenario for potential conflict, and therefore prohibited.

- ## Sixth Misconception:

The system of slavery in Islam contradicts Islamic concepts of equality and full personal freedom. This, too, is an encroachment upon human rights.

Reply to the Misconception about Slavery

The slavery system among Muslims in many aspects was different from other societies, and what many people envision about slavery according to practices among the Greeks, Romans and European colonialists. Islam initially accepted the slavery system because it was an accepted and necessary part of the economic and social conditions in those times. The system of slavery was a worldwide phenomenon with many vital sectors of livelihood dependent on slave labor. Slavery was accepted and recognized in the previous religions. As it is stated in the Bible:

> **"10. When you come neigh unto a city to fight against it, then proclaim peace unto it. 11. And it shall be, if it make thee answer of peace, and open unto thee, then it shall be, that all the people that is found therein shall be tributaries unto thee, and they shall serve thee. 12. And if it will make no peace with thee, but it will make war against thee, then thou shall besiege it. 13. And when the Lord Thy God has delivered it into thine hands, thou shall smite every male thereof with the edge of the sword. 14. But the women, and the little ones, and the cattle, and all that in the city, even all the spoil thereof, shall you take unto yourself, and you shall eat the spoil of thine enemies, which the Lord thy God has given thee. 15. Thus shall you do unto all the cities which are very far off from thee, which are not of the cities of these nations. 16. But of the cities of these**

people, which the Lord thy God does give you for an inheritance, you shall save alive that breathes. 17. But you shall utterly destroy them." [Deuteronomy 20:10-17]

And a master in the Judaic Law could even beat his slave to death as this next text states:

> **"And if a man smites his servant, or his maid, with a rod, and he die under his hand; he shall be surely punished. Notwithstanding, if he [the slave] continues [to live] a day or two, he [the slave owner] shall not be punished: for he [the slave] is his money [property]."** [King James Version Exodus 21:20-21]

Nowhere are there any indications in the Bible about the prohibition of slavery and this lead many to boldly proclaim, as Jefferson Davis the president of the Confederate States of America said:

> **"[Slavery] was established by decree of Almighty God...it is sanctioned in the Bible, in both Testaments, from Genesis to Revelation...it has existed in all ages, has been found among the people of the highest civilization, and in nations of the highest proficiency in the arts."**[125]

Considering this world environment, Islamic law followed a long-term and gradual plan to eliminate slavery from society. We do not find any direct command to abruptly stop all dealings with slavery but, rather wisely, the sources of slavery were gradually restricted and diminished and emancipation of slaves encouraged. Moreover, strict rules of fair and honorable conduct were applied in dealing with slaves and allowing them

125 [Dunbar Rowland quoting Jefferson Davis, in "Jefferson Davis", Volume 1, Page 286, see also Jefferson Davis's "Inaugural Address as Provisional President of the Confederacy, Montgomery, AL, 1861-FEB-18, Confederate States of America, Congressional Journal, 1:64-66.Available at:
http://funnelweb.utcc.utk.edu/~hoemann/jdinaug.html]

to buy their own freedom. The first stage was liberating themselves from within their hearts and minds. They were instructed to feel strong, healthy and capable within, and discouraged from feeling weak and inferior. Islam reconstructed the human feeling and integrity in the hearts and minds of the slaves by calling them brethren to their masters and owners. Allah's Messenger (ﷺ) said,

> **"Your workers are your brethren. The Almighty Allah placed them under you [for your services]. Whosoever has one [of his brethren] under him [working for him], he must feed him of what he eats, clothe him of what he clothes himself and do not assign them to do what they cannot do. If you do, then help them."**[126]

Slaves have established rights. The commandments of the Qur'an and Sunnah order Muslims to be kind and good to their male slaves and maiden servants. The Almighty Allah states in the Glorious Qur'an:

> ﴾**Worship Allah, and join not any partners with Him; and do good to parents, kinsfolk, orphans, those in need, neighbors who are your kin, neighbors who are strangers, the companion by your side, the wayfarer (you meet) and what your right hands possess (slaves): for Allah loves not the arrogant, the vainglorious.**﴿ (4:36)

The Prophets longstanding concern about the slaves is evidence by the fact that on his deathbed, the Messenger of Allah (ﷺ) ordered the Muslims as a dying request to guard their prayers and the rights of the slaves.

He (ﷺ) is also reported to have said:

> **"Whosoever castrated a slave we will castrate him."**[127]

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126 Bukhari no.2406 and Muslim no.1661.

127 Mustadrak al-Haakim 4/409 no. 8100.

Slavery, according to Islamic teachings, is limited to physical slavery only and there are no forced conversions to the way of the master. A slave has the right to maintain his own faith. Islam sets forth the best example in human equality by making the superiority based on piety and righteousness. Islam made brotherhood or unity of ties between slaves and their masters by the excellent example of Allah's Messenger (ﷺ) when he offered in marriage his cousin, Zainab bint Jahsh (رضي الله عنها) a noble Quraishi lady, to his freed slave, Zaid bin Harithah. The latter was also designated as a leader of the army that consisted of some leading and well-known Companions of Allah's Messenger (ﷺ).

Islam followed two main methods to eliminate slavery from the Islamic society to avoid any confusion or chaos in the society. These methods did not create animosity, hatred between various classes of the Islamic society, or cause detriment to the prevailing socio-economic situations.

The first method: Eliminating and restricting the sources of slavery, which were very vast at one point during the Islamic history. The sources of slavery before Islam were many and included warfare whereby the defeated fighters were captured and consequently enslaved. Piracy, kidnapping and abducting people was another common source wherein the kidnapped people were taken and sold like slaves. If a person was in financial debt he could become a slave to the debtor. Another source was the practice of fathers selling their children, male or female, into slavery. A person could sell his own freedom against payment of a certain sum. Many crimes were punishable by imposing slavery on the accused. The criminal person would become a slave to the victim or his family members or heirs. Reproduction of slaves, even if the father was a freeman, was another source of slaves

Islam blocked these sources with only two exceptions as legitimate sources of slaves, which was entirely logical given the circumstances of the times.

(1) War captives, or prisoners of lawfully declared wars by a Muslim ruler: Notice that not all such prisoners of war were declared as slaves, some were set free while others were allowed to pay ransom. This is based on the verse in the Glorious Qur'an:

> ﴾**Therefore, when you meet the unbelievers (in war), smite at their necks; at length, when you have thoroughly subdued them, bind a bond firmly (on them): thereafter (is the time for) either generosity or ransom: until the war lays down its burdens. Thus (are you commanded): but if it had been Allah's Will, He could certainly have exacted retribution from them (Himself); but (He lets you fight) in order to test you, some with others. But those who are slain in the way of Allah, He will never let their deeds be lost.**﴿ (47:4)

The enemies of Islam used all means to stop progress and spread of Islam in the early era. Non-Muslims at that time held Muslims as prisoners-of-war, and thus the Muslims in retribution did the same.

(2) An inherited slave born from two slave parents. Such a child is considered a slave as well. However, if the master of a slave girl took her as a legal concubine, the product of this relation is a free child who is also attached in lineage to his free father. In such case, the slave-girl is called "a mother of a child" who cannot be sold and cannot be given as a gift and must be freed upon the death of her master.

The second method of eliminating slavery involved encouraging and expanding the ways of liberation of slaves. Originally the only way for freedom was the will of the master to free the slave. Prior to the advent of Islam, a slave was

considered a slave throughout his life and the master who liberated his slave sometimes had to pay a fine. Islam introduced the practice of self-liberation of slaves, whereby they could pay their masters a contracted amount to purchase their freedom. The master was also given the latitude to liberate his slave at any time and without any obligation or financial fine. Some of the prescribed means for liberating the slaves are mentioned below:

1) Atonement for sins: The atonement for killing by mistake was set to be the liberation of a believing, faithful Muslim slave, in addition to the blood money to be given to the affected family. This is based on the verse in the Glorious Qur'an:

> ﴾**Never should a believer kill a believer; but (if it so happens) by mistake, (compensation is due); if one kills a believer, it is ordained that he should free a believing slave, and pay compensation to the deceased's family, unless they remit it freely.**﴿ (4:92)

2) Atonement for *Dthihaar* oath:[128] This is based on the verse in the Glorious Qur'an:

> ﴾**But those who divorce their wives by *Dthihaar*, then wish to go back on the words they uttered, (it is ordained that they) should free a slave before they touch each other: this is an admonition to you: and Allah is well-acquainted with (all) that you do.**﴿ (58:3)

3) Atonement for breaking an oath: This is based on the verse in the Glorious Qur'an:

> ﴾**Allah will not call you to account for what is unintentional in your oaths, but He will call you to**

128 *Dthihaar* is a type of oath where a person used to say to his wife, 'You are unlawful for me to touch, like the back of my mother'. This was a practice during the pre-Islamic era and Islam banned it.

account for your deliberate oaths: for expiation, feed ten indigent persons, on a scale of the average of the food for your families; or clothe them; or give a slave his freedom. If that is beyond your means, fast for three days. That is the expiation for the oaths you have sworn. And honor your oaths. Thus does Allah make clear to you His Signs, that you may be grateful.﴾ (5:89)

4) Atonement for breaking the fast during the month of Ramadan: An example of this is the incident of the man who came to Allah's Messenger (ﷺ) telling him:

> **'O Prophet of Allah! I have destroyed myself!' Allah's Messenger (ﷺ) asked the man, 'Why?' The man informed Allah's Messenger (ﷺ) that he had an intercourse with his wife during the fasting hours of the day of Ramadan. Allah's Messenger (ﷺ) asked the man, 'Do you have a slave to free?' The man answered negatively. Allah's Messenger (ﷺ) asked the man again, 'Do you have the means to feed sixty poor people?' The man replied negatively. While the man and the rest of the people were sitting, Allah's Messenger (ﷺ) was presented with an amount of fresh dates. Allah's Messenger (ﷺ) asked about the man who committed that sin, and he came forward. Allah's Messenger (ﷺ) said to the man, 'Take these dates and give them to the poor people in charity [atonement for your sin].' The man replied, 'O Prophet of Allah! By Allah! There is no poorer family in the entire city of Madinah than my family.' Upon hearing this, Allah's Messenger (ﷺ) smiled in such a way that his cuspid teeth appeared, saying, 'Then, take the dates and feed your family.'**[129]

A person who is required to pay atonement for his sin and is financially capable and does not possess a slave to liberate can

129 Bukhari, Hadith No. 1834.

purchase a slave, if possible, and liberate it in atonement for his sin.

5) Liberating of slaves was declared one of the most beloved charitable acts of worship in the Sight of Allah (ﷻ): Allah the Exalted says in the Glorious Qur'an

> ﴾**But he has made no haste on the path that is steep. And what will explain to you the path that is steep? (It is :) freeing a slave.**﴿ (90:11-13)

Moreover, the statements of Allah’s Messenger (ﷺ) along with his actions, in this regard, encouraged people to liberate slaves for the cause of Allah (ﷻ). Allah’s Messenger (ﷺ) said,

> **“Whosoever frees a Muslim slave, Allah will free every organ of his body from the hell-fire against every organ of the freed slave, even his private parts against the freed slave’s private parts.”**[130]

In addition, Allah’s Messenger (ﷺ) is reported to have said, Allah’s Messenger (ﷺ) said,

> **“Visit the ill, feed the hungry and release the slave.”**[131]

6) Liberating a slave by a will: One of the means of liberating a slave is through the death-will. The will may be written, announced verbally, or the like. If a master declares in any form that his slave will be a freeman upon the master’s death, the slave has secured his freedom after the death of the master. As a precautionary measure Islam bans selling or giving away of such a slave after this declaration. If a slave-girl is given such a promise and the owner takes her as concubine, the child who is a product of that cohabiting is born as a freeman also. Similarly, the slave girl, in such a case, is not to be sold or given away as a gift to a third party, but rather liberated as well.

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130 Bukahri, Hadith No. 6337 and Muslim, Hadith No. 1509.

131 Bukhari, Hadith No. 2881.

7) Slave liberation is one of the proposed channels of Zakah: This is based on the verse in the Glorious Qur'an:

﴾**Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to the truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: (thus is it) ordained by Allah, and Allah is full of knowledge and wisdom.**﴿ (9:60)

8) Atonement for undue beating and slapping of the slave on the face: Islam requires freeing a slave if the slave master beats -unjustly- or slaps his slave on the face. This is based on the Hadith of Allah's Messenger (ﷺ):

"Whosoever slaps his slave or hits him/her on the face must pay an atonement by freeing him/her." [132]

9) Contracting freedom by a slave: This involves a situation when a slave requests his master to buy his freedom for a sum of money they both agree upon. If a slave requests his master to issue him such a liberation contract, it becomes binding on the master to grant the slave such a contract. In such a case the slave will have the liberty to buy, sell, trade, own and work in order to accumulate the needed money against his freedom contract. Even working for his master will be for a specific wage against his labor. In fact, Islam went a step further by asking donations, assistance and support for such people from the wealthy people in the Islamic society. Even the master is urged to discount some of the money agreed upon, or to give him some easier payment facilities to help obtain his freedom. This is based on the verse in the Glorious Qur'an, the meaning of which is translated as:

﴾**And if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum),**

132 Muslim, Hadith no. 1657.

> **give them such a deed if you know any good in them; rather, give them something yourselves out of the means which Allah has given to you.**﴾ (24:33)

In brief, we can say that Islam did not legalize and encourage slavery but rather established laws and regulations that contributed significantly and effectively to help restrict the sources of slavery and liberate slaves once and for all.

Conclusion

In closing we will cite the incidence in recent history. The Ministry of Justice in Kingdom of Saudi Arabia held three symposiums during the month of Safar 1392 H (1982 G). The Minster of Justice and eminent scholars and university professors attended along with four eminent European canonists and scholars: the ex-Foreign Affairs Minister of Ireland and the Secretary of the European Legislation Committee; a well-known scholar of Oriental and Islamic Studies Professor; an eminent professor of Law and the Director of the Human Rights Magazine published in France.

The Muslim scholars in attendance explained the concept of Islam as a way of life in comparison with other competing concepts, illustrating the main rules of Islam and the Shari'ah and the details of such general rules and principles. They explained the value, benefits and effectiveness of the Islamic capital punishments that are prescribed against serious crimes committed against innocent people and society. They explained in detail that such capital punishments are rational penalties that preserve the peace, safety and security of the society at large. The Europeans expressed their admiration of the detailed explanations given by the Muslim scholars on these types of punishments and admired the concept of the human rights in Islam. Mr. McBride the head of the European delegation, declared: "From this place, and from this Islamic country, the human rights must be declared and announced to people all over the world and not from any other country. Muslim scholars must declare these unknown human rights to the international community. In fact, due to the ignorance about these human rights and lack of proper knowledge about them, the reputation of Islam and the Islamic ruling and governing is distorted in the

eyes of the rest of the world."[133]

This booklet is an introductory discourse on the subject of the human rights in Islam. I hope and pray that this discussion will open avenues for those who are keen to know more about the truth of Islam that has been deliberately and severely misconstrued and misinterpreted, especially by some secularists, modernist Muslims, as well as the enemies of Islam.

I urge the readers to explore more about Islam as a way of life through reliable and sound sources, without any preconceived notions. I feel obliged to offer any assistance to the individuals who are keen to learn and know more about Islam as a way of life.

Muslims calling others to Islam should be sincere in their intention, seeking only the pleasure of the Almighty Allah in this life and in the Hereafter to enjoy the permanent abode in *Jannah*, and purifying their motives from any personal gains. One of the Companions of Allah's Messenger (ﷺ) once said when he was asked about the reason for his participation in the fight for the cause of Allah (ﷻ):

> **'We came in order to liberate people from worshiping other people and the injustices caused by other religions, to let them into the justice of Islam.'**

As for the divine reward in the Hereafter, we Muslims believe that there are two permanent abodes in the Hereafter, without a third: either the *Jannah*, of bliss and eternal happiness, or else the Hellfire of eternal torture. *Jannah* is the graceful reward from Allah to those who obeyed His Commands. The Almighty Allah states in the Glorious Qur'an:

> **﴿If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him;**

133 Taken from 'Islam and Human Rights' by Abdullah b. Abdul-Muhsin at-Turki.

and in the Hereafter he will be in the ranks of those who have lost (all spiritual good).》 (3:85)

This is also based on the verse of Qur'an:

《As to those who believe and work righteous deeds, they have, for their entertainment, the Gardens of *Jannah*, Wherein they shall dwell (forever): no changes will they wish for themselves.》 (18:107-108)

Furthermore, the Almighty Allah promised Hellfire to those who disobey His commands and set partners with Him. The Almighty Allah states in the Glorious Qur'an:

《Allah forgives not that partners should be set up with Him; but He forgives anything else to whom He pleases; to set up partners with Allah is to devise a sin most heinous indeed.》 (4:48)

The Almighty Allah states in the Glorious Qur'an:

《Those who reject (truth), among the People of the Book and among the Polytheists, will be in Hell-fire, to dwell therein (forever). They are the worst of creatures.》 (98:6)

Since the advent of Islam, the enemies of Islam have waged wars against Islam, and the wars continue to today. The anti-Islamic elements have exploited all possible means in this war. People with sanity and maturity will remain unaffected since they successfully differentiate between truth and falsehood. Eminent religious people from other Faiths continue, increasingly, to join Islam as a way of life, and this in itself is an evidence to prove the magnificence of Islam as a religion and way of life. The Almighty Allah assured us that He will preserve His religion of Islam for mankind. The Almighty Allah states in the Glorious Qur'an:

﴾We have, without doubt, sent down the Message [Qur'an and Islam]; and We will assuredly guard it (from corruption).﴿ (15:9)

Let us end our booklet with a beautiful quote from Allah's Messenger's (ﷺ) Hadith,

'The most beloved people to Allah are the most useful [or beneficial to others]. The most beloved action to Allah (ﷻ) is a pleasure you bring to [a broken hearted, suffering] Muslim, or to relieve such a sufferer from his suffering, or to pay his debt, or to dismiss his hunger [by offering him a decent meal to eat]. It is even better for me to walk with a Muslim brother to accomplish his need than to enter seclusion in a Masjid for an entire month. Whosoever controls his anger [in this world] Allah (ﷻ) will cover his vices. Whosoever suppresses his anger, while he is capable of harming others (with it), Allah (ﷻ) will fill his heart with satisfaction and happiness on the Day of Judgment. Whosoever walks to support the evidence of a Muslim brother, Allah (ﷻ) will fasten his footsteps on the Day when footsteps are flinching and stumbling. Surely, evil character and behavior will spoil the good deeds and pious actions as vinegar spoils honey.' [134]

134 Reported by Tabarani and ibn Abi-Dunya, and al-Albani declared it sound in Sahih al-Jam'i.